THE WESTERN POLITICAL QUARTERLY

JUNE, 1959

Official Journal Of
Western Political Science Association
Pacific Northwest Political Science Association
Southern California Political Science Association

Published Quarterly by the
Institute of Government,
University of Utah,
Salt Lake City, Utah

THE WESTERN POLITICAL QUARTERLY

The *Western Political Quarterly* is published by the Institute of Government, University of Utah, Roy V. Peel, Director. It is the official journal of the Western Political Science Association, the Pacific Northwest Political Science Association, and the Southern California Political Science Association. The opinions expressed in articles and book reviews in the *Quarterly* are those of the authors and do not necessarily reflect the views of the *Quarterly*, the University of Utah, or the sponsoring organizations.

Subscriptions, manuscripts, and communications should be addressed to Ellsworth E. Weaver, Managing Editor, *Western Political Quarterly*, University of Utah, Salt Lake City 12, Utah. Domestic subscriptions are $5.00 a year; foreign $6.00. Single copies of a current issue are $1.75.

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ENTERED AS SECOND CLASS MATTER APRIL 22, 1948, AT THE POST OFFICE AT SALT LAKE CITY, UTAH, UNDER THE ACT OF MARCH 3, 1879

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THE SOUTH COUNTERATTACKS: THE ANTI-NAACP LAWS

WALTER F. MURPHY
Princeton University

IN RECENT YEARS the group basis of judicial activity has become more evident. Whether this has been due to heavier group pressures or whether there has simply been sharper recognition of what has always been going on, is difficult to determine.[1] Perhaps the current situation is partially the result of both factors. Certainly the dispute over national economic policy during the depression years, when the foes of the New Deal took their lost political cause to the judges, focused attention on judicial pressure groups. Organized labor profited by this example; and in the decade after 1937, when the liberalism of the Roosevelt coalition was in legislative eclipse, unions found their staunchest support in the marble palace across the street from the capitol building. As a concomitant of this economic battle public awareness of the immense policy potential of new judicial appointments increased, although aside from the famous Court packing plan of 1937 it is problematical whether partisan activity grew in the same proportion.

There are a number of court weapons ready at hand for interest groups. The most obvious is to persuade an individual or a company to violate a law and force the government to bring a test prosecution. The *amicus curiae* brief[2] is more oblique as well as less risky, though it normally depends on somebody else's starting the legal action. Where a plaintiff can be found a "class action" [3] for a declaratory judgment and/or an injunction can be begun, that is, a suit initiated by one person or a small group of persons on behalf of a large number of people "similarly situated."

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[1] There has been a growing body of literature on group judicial activity. Much of the theoretical framework was laid down by A. F. Bentley in *The Process of Government: A Study of Social Pressures* (Chicago: University of Chicago Press, 1908). David Truman has continued Bentley's theme in *The Governmental Process: Political Interests and Public Opinion* (New York: Knopf, 1955). More specifically devoted to the judicial process are: Jack Peltason, *Federal Courts in the Political Process* (New York: Doubleday, 1955); Victor G. Rosenblum, *Law as a Political Instrument* (New York: Doubleday, 1955); note "Private Attorneys-General: Group Action in the Fight for Civil Liberties," 58 *Yale L. J.* 574 (1949); Fowler Harper and Edwin D. Etherington, "Lobbyists Before the Court," 101 *U. of Pa. L. Rev.* 1172 (1953). Professor Clement Vose has been doing a great deal of pioneering empirical research in this field. See his "NAACP Strategy in the Restrictive Covenant Cases," 6 *West. Res. L. Rev.* 101 (1955); "The National Consumers League and the Brandeis Brief," 1 *Midw. J. of Pol. Sci.* 267 (1957); and *Caucasians Only: The Supreme Court, The NAACP, and The Restrictive Covenant Cases* (Berkeley: University of California Press, 1959).

[2] Consult Harper and Etherington, *loc. cit.*, and Peter H. Sonnenfeld, "Participation by Amici Curiæ by Filing Briefs and Presenting Oral Argument in Decisions of the Supreme Court, 1949–1957," in Glendon Schubert, Jr. (ed.), *Michigan State University Governmental Research Bureau Working Papers in Research Methodology*, No. 3 (1958).

[3] For the best summary, read "Class Actions: A Study of Group-Interest Litigation," 1 *Race Rel. L. Rep.* 991 (1956).

And economic interest, of course, has not been the only occasion for the use of these devices in social conflict. Ideological and ethnic groups can also fight their battles in courtrooms. In World War II, the Japanese American Citizens League, beaten in the administrative and legislative processes, took its case against West Coast evacuation to the judiciary but fared little better.[4] During the same general time-period, the Jehovah's Witnesses, assisted by the American Civil Liberties Union, recouped their losses at the local political level by means of sustained court action.[5]

As important as was the legal activity of these groups, that of the Negro outstripped them all. Outside of the South the Negro has usually lacked the numbers to make his political voice both intelligible and authoritative. And in the South his numerical strength has been continually nullified by ingenious, ingenuous, and usually illegal voting restrictions, as well as by his own political apathy. In the last decade-and-a-half, mass migrations have to some extent ended the Northern numerical deficit; still, due in large part to involuntary inexperience, the Negro has not produced political leadership of a sufficiently astute character to allow him a full place in the American social sun.

But many of the very factors which kept the Negro politically powerless could be turned to his advantage in the courts. Lack of social standing, minority status, and claims of discrimination by public officials are often valuable assets in a judicial system which operates under a constitutional command of equal protection of the law and which has adopted a blindfolded goddess of justice as its symbol. In addition, the Negro's leadership problems in this area were much less acute. While the colored man was a relative stranger to city hall or legislative lobby, there were literally dozens of capable Negro lawyers very much at home in the law library or courtroom.

In the late 1930's the National Association for the Advancement of Colored People, which along with the National Urban League had been gradually assuming direction of organized Negro efforts for social equality, reorganized itself into two separate branches, the NAACP and the Legal Defense and Education Fund, with the latter assigned the mission of exploiting court opportunities. Under the direction of Thurgood (christened Thoroughgood) Marshall, the Legal Fund transformed litigation into a coordinated court campaign.[6]

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[4] *Hirabayashi* v. *United States*, 320 U.S. 81 (1943); *Korematsu* v. *United States*, 323 U.S. 214 (1944); *Ex Parte Endo*, 323 U.S. 283 (1944). Morton Grodzins has a superb account of the activity of various pressure groups in formulating the evacuation policy: *Americans Betrayed: Politics and the Japanese Evacuation* (Chicago: University of Chicago Press, 1949).

[5] Their most important victory was probably that in the second Flag Salute case, *West Virginia* v. *Barnette*, 319 U.S. 624 (1943). For other cases see the discussion in C. Herman Pritchett, *The Roosevelt Court: A Study in Judicial Politics and Values, 1937–1947* (New York: Macmillan, 1948), pp. 93–101.

[6] This is not to imply that prior to the division of labor NAACP court activity had been

While the NAACP's more conventional pressuring of the Executive and Congress brought only a few concrete gains, the shrewd tactics of Marshall and his staff yielded phenomenal success. Some of the more sophisticated voting[7] and jury[8] restrictions together with racially restrictive real estate covenants were struck down,[9] and the second half of the "separate but equal" formula was enforced to a far greater extent than ever before.[10] Finally, legally sanctioned segregation itself fell before this attack, first in the public schools,[11] later in public recreational facilities,[12] and then in public transportation.[13]

Although each of these decisions had national implications, it was the white South which felt their effect both initially and substantially. The South was willing to make equality of separate public facilities as much a reality as money, without mixing, could accomplish. But Southern leaders were not prepared to ask their people to accept desegregation in education, and four years after the historic School Segregation Cases the Supreme Court's writ had yet to run in a single Deep Southern state except North Carolina. The segregationists utilized the political weapons to which they had access: the state legislative and executive branches, and even occasionally the state judiciary. Not only had those who claimed to speak for the white South defiantly protected the existing social system by defensive belts of new racial legislation,[14] but they had also turned the power of their states against their antagonist, the NAACP, and had launched a massive counterattack against the Negro organization.

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fruitless. On the contrary, some of the most important decisions had been won in the earlier period: *Buchanan* v. *Warley*, 245 U.S. 60 (1917); *Powell* v. *Alabama*, 287 U.S. 45 (1932); *Norris* v. *Alabama*, 294 U.S. 587 (1935); *Nixon* v. *Herndon*, 273 U.S. 536 (1927); *Nixon* v. *Condon*, 286 U.S. 73 (1932).

[7] *Lane* v. *Wilson*, 307 U.S. 268 (1939); *Smith* v. *Allwright*, 321 U.S. 649 (1944); *Terry* v. *Adams*, 345 U.S. 461 (1953).

[8] *Norris* v. *Alabama*, *supra* note 6; *Hale* v. *Kentucky*, 303 U.S. 613 (1938); *Smith* v. *Texas*, 311 U.S. 128 (1940); *Hill* v. *Texas*, 316 U.S. 400 (1942); *Patton* v. *Mississippi*, 332 U.S. 463 (1947); *Cassell* v. *Texas*, 339 U.S. 282 (1950); *Avery* v. *Georgia*, 345 U.S. 559 (1953); But cf. *Akins* v. *Texas*, 325 U.S. 398 (1945); *Brown* v. *Allen*, 344 U.S. 443 (1953); *Williams* v. *Georgia*, 349 U.S. 375 (1955).

[9] *Shelley* v. *Kraemer*, 334 U.S. 1 (1948); *Hurd* v. *Hodge*, 334 U.S. 24 (1948); *Barrows* v. *Jackson*, 346 U.S. 249 (1953).

[10] *Missouri* ex rel. *Gaines* v. *Canada*, 305 U.S. 337 (1938); *Mitchell* v. *United States*, 313 U.S. 80 (1941); *Sipuel* v. *Board*, 332 U.S. 631 (1948); *Fisher* v. *Hurst*, 333 U.S. 147 (1948). The progress in judicial enforcement of employment rights should also be noted: *Steele* v. *Louisville & Nashville Railroad*, 323 U.S. 192 (1944); *Tunstall* v. *Brotherhood*, 323 U.S. 210 (1944); *Wallace Corp.* v. *Labor Board*, 323 U.S. 248 (1944); *Graham* v. *Brotherhood of Firemen*, 338 U.S. 232 (1949); *Brotherhood* v. *Howard*, 343 U.S. 768 (1952).

[11] *Brown* v. *Board*, 347 U.S. 483 (1954), 349 U.S. 294 (1955).

[12] *Baltimore* v. *Dawson*, 350 U.S. 877 (1955); *Holmes* v. *Atlanta*, 350 U.S. 879 (1955).

[13] *Gayle* v. *Browder*, 352 U.S. 903 (1956).

[14] For discussions of this wave of legislation, see: Robert B. McKay "With All Deliberate Speed: A Study of School Desegregation," 31 *N.Y.U.L.Q. Rev.* 991 (1956); and Walter F. Murphy, "Desegregation in Education — A Generation of Future Litigation," 15 *Md. L. Rev.* 221 (1955).

Placed on the defensive, the NAACP retreated back to the protection of the same instruments it had relied on for its advances, the federal courts. Since national supremacy and judicial review gave these courts a veto on state action the Negro association could hope that, if it did not have the upper hand in this phase of its social conflict, at least it had an excellent chance of having the last word.

I

Striking directly at the ability and ubiquity of the NAACP's legal staff, Georgia, Mississippi, South Carolina, Tennessee, and Virginia have adopted statutes[15] redefining and tightening the common law offenses of barratry, champerty, and maintenance. Barratry is the "habitual stirring up of quarrels and suits." [16] Champerty describes a situation where a person with no real interest in a particular piece of litigation assists one of the actual parties by money or service in return for a share of the expected proceeds of the case. Maintenance is the more general term which encompasses "officious intermeddling in a suit which in no way belongs to one, by maintaining or assisting either party, with money or otherwise, to prosecute or defend it." [17]

The new statutes make it illegal for any person, firm, or corporation to stir up litigation by offering, promising, or donating anything of real value as an inducement to another person to commence or continue a suit before a court or administrative body. It seems true, as the supreme court of Alabama once remarked, that fomentation of litigation offenses are obsolete under modern legal conditions,[18] but in general a state can reasonably regulate the practice of law to protect itself against nuisance suits and to keep its court dockets free for the settlement of real and important disputes. In recognition of this the *Canons of Professional Ethics* of the American Bar Association make the stirring up of litigation, either directly or through agents, unethical conduct.[19]

But the NAACP raised the broader question of whether action of groups in urging individuals or a class of persons to secure their constitutional rights by means of court suits can be held to be barratrous conduct. Shortly after the new Virginia statutes went into effect, the Negro organization successfully challenged them before a special three-judge district court. In *NAACP* v. *Patty*, a case which may well become a constitutional landmark, the court held by a two-to-one decision that the Virginia barratry law was invalid on two grounds. First, it denied equal protection in forbidding the NAACP

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[15] Georgia: 1957 Session Laws, Act No. 514; 2 *Race Rel. L. Rep.* 501. Mississippi: 1956 Session Laws, chaps. 253 and 255. South Carolina: 1957 Session Laws, Act No. 25; 2 *Race Rel. L. Rep.* 854. Tennessee: 1957 Session Laws, chap. 104; 2 *Race Rel. L. Rep.* 503. Virginia: 1956 Extra Session Laws, chaps. 31–37, 47.

[16] 10 *American Jurisprudence*, "Champerty and Maintenance," sec. 3.

[17] *Ibid.*, sec. 1.

[18] *Gilman* v. *Jones*, 5 So. 785, 787 (1889).

[19] Canons 28 and 42.

to assist in racial litigation while allowing general legal aid societies to act in any sort of suit. Second, the statute was a deprivation of due process because it tried to drive the NAACP out of business "by forbidding them to encourage and assist colored persons to assert rights established by the decisions of the Supreme Court of the United States." The majority opinion went on to explain:

> The activities of the plaintiffs as they appear in these cases do not amount to a solicitation of business or a stirring up of litigation of the sort condemned by the ethical standards of the legal profession. They comprise in substance public instruction of the colored people as to the extent of their rights, recommendation that appeals be made to the courts for relief, offer of assistance in prosecuting the cases when assistance is asked, and the payment of legal expenses for people unable to defend themselves; and the attorneys who have done the work have done so only when authorized by the plaintiffs. . . . In our opinion the right of the plaintiff corporations to render this assistance cannot be denied.[20]

Going beyond the usual bounds of law practice regulation, Virginia has also passed legislation[21] which requires individuals or associations which solicit money for racial legislation or litigation to register certain information with the state, including the names of all contributors. This information would be filed in county courts and would be open to public inspection. Following Virginia's lead, Tennessee adopted these statutes almost verbatim, and Texas and Arkansas passed similar laws.[22]

Once again the NAACP transferred the fight from the political to the judicial arena. The result was one victory and one defeat. A three-judge district court refused to hold the Arkansas law unconstitutional until it had first been interpreted by state courts,[23] but the special tribunal in the Patty case declared the Virginia regulations void as: (1) a violation of the rights of free speech and assembly in requiring registration and publication of the names of those who wished to support or associate with the NAACP in its aims; (2) a denial of due process of law in unreasonably curbing access to the courts. The burden of the majority opinion was that these statutes were only one phase of Virginia's larger campaign to nullify the Supreme Court's segregation decisions. The function of these particular laws was to prevent Negroes

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[20] 159 F. Supp. 503, 533 (1958). Two other acts from the 1956 Extra Sessions, chaps. 33 and 36, were also attacked here by the NAACP, but the court said they were vague and refused to pass on their validity until a state court had had an opportunity to interpret them. The NAACP quickly started a state suit in Richmond, *NAACP* v. *Harrison*.

[21] 1956 Extra Session Laws, chaps. 31–32; see also 1956 Session Laws, chap. 670. Chap. 506 of the 1958 Session Laws requires "any" corporation, "foreign or domestic," "profit or nonprofit," operating in Virginia which is accused of unauthorized practice of law to file with the state certain information and records including membership lists and minutes of meetings.

[22] Tennessee: 1957 Session Laws, chap. 152; 2 *Race Rel. L. Rep.* 497. Texas: chap. 20, 1957 Second Special Session Laws; 3 *Race Rel. Rep.* 90. Arkansas: 1957 Session Laws, Act 85; 2 *Race Rel. L. Rep.* 495.

[23] *Smith* v. *Faubus*, 2 *Race Rel. L. Rep.* 1103 (1957). The NAACP immediately filed suit in an Arkansas court to obtain the necessary state interpretation, but lost the first round there too. *Smith* v. *Faubus*, 3 *Race Rel. L. Rep.* 978 (Chancery Court of Pulaski County, 1958).

from obtaining organizational help to secure the rights which the Constitution guaranteed them. The court refused to believe that the acts were saved by the stipulation that both pro- and anti-segregation groups had to give the same information. "Registration of persons engaged in a popular cause imposes no hardship while, as the evidence in this case shows, registration of names of persons who resist the popular will would lead not only to expressions of ill will and hostility but to the loss of members by the plaintiff Association." [24]

The majority of the district court based their decision on a finding of fact that the NAACP had not paid plaintiffs to bring suits, but had only encouraged Negroes to take legal action. This runs counter to the oft-repeated charge that the association has obtained plaintiffs by trickery (asking colored parents to sign a request for better schools when in reality the paper is the complaint necessary to begin an integration suit), by coercion, and by bribery. Regarding the last count, Texas produced documents — which the NAACP says were forged—purporting to be a contractual agreement for the NAACP to pay Herman Sweatt $11,500 to bring suit against segregation in the University of Texas.[25]

Whatever the truth of such allegations in each individual circumstance, states may not forbid the Negro organization to use the *federal* courts. Control over the tribunals of the United States is vested in Congress, and this authority has been exercised by the establishment of an elaborate web of regulations which certainly preclude state interference.[26]

II

Attacking along lines parallel to the lobbying and litigation statutes, Southern states have employed older corporation tax and registration laws in an effort to force the NAACP out of business or at very least compel the publication of the names of its members so that they might be exposed to social, and perhaps even to legal, pressure. In 1956, for example, Louisiana invoked a twenty-two-year-old Ku Klux Klan Act, never before applied

[24] 159 F. Supp. 503, 526 (1958). The court went to great pains to distinguish *Bryant* v. *Zimmerman*, 278 U.S. 63 (1928), which had upheld a similar registration law of New York aimed at the Ku Klux Klan. "The statute [of Virginia] is not aimed, as the act considered in People of State of New York ex rel. Bryant v. Zimmerman, at curbing the activities of an association likely to engage in violations of the law, but at bodies who are endeavoring to abide by and enforce the law and have not themselves engaged in acts of violence or disturbance of the public peace." 159 F. Supp. 503, 526 (1958).

[25] This evidence is summarized and quoted in *Southern School News*, October, 1956, p. 14; November, 1956, p. 8; December, 1956, p. 11. For details of Texas action against the NAACP, see below, Section II. The case involving Sweatt, *Sweatt* v. *Painter*, 339 U.S. 629 (1950), did permit Negroes to enter the University's law school.

[26] Cf. *Pennsylvania* v. *Nelson*, 350 U.S. 497 (1956). There would be a further constitutional bar since access to federal courts, subject to valid congressional regulations, is one of those rare privileges and immunities of national citizenship. *Slaughter-House Cases*, 16 Wall. 36, 79 (1873); *Terral* v. *Burke Construction Co.*, 257 U.S. 529 (1922).

against any group, to enjoin temporarily further NAACP operations. After an involved court fight, which seems to have left the Negroes, the state attorney general, and both state and federal judges confused, the colored organization complied with the requirements and filed its membership lists with the state.[27]

At about the same time, Texas brought an injunction suit in its own courts, claiming the NAACP was a foreign corporation operating in the state without having paid the proper franchise taxes, and was soliciting and inciting litigation and engaging in illegal political activities. The Texas district court found that irreparable injury to the state might result from continued NAACP operations because such activities "tend to incite racial prejudice, picketing, riots, and other unlawful acts which are contrary to public peace and quietude. . . ." [28] Accordingly a temporary injunction was issued; then, after a hearing, the injunction against illegal lobbying as well as against soliciting litigation was made permanent. In addition, the judge, although ruling the NAACP to be a nonprofit organization, ordered it to pay certain accrued franchise taxes, plus interest and penalties, and to permit the state attorney general to inspect its records so that compliance with corporation regulations could be ascertained.[29]

What the effect of the "solicitation of litigation" part of the order will be is hard to assess since the court also held that the Legal Defense and Education Fund was completely divorced from the NAACP as a legal entity, though it, too, was ordered to cease performing "other than educational and charitable activities in the State. . . ." Whether the doctrine of the special federal district court in *NAACP* v. *Patty* will be endorsed by an appellate court so as to place the Legal Fund's encouragement of court suits within "educational and charitable" fields or even to put normal NAACP court

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[27] The injunction against the organization was issued in *Louisiana* ex rel. *LeBlanc* v. *Lewis*, 1 *Race Rel. L. Rep.* 571 (1956). The NAACP sought to have the case removed to a federal district court, but the state court refused to recognize the removal. The federal judge admitted that this refusal was "highly unusual," but declined to issue an injunction against the state court order, and instead suggested the NAACP use the state appellate process including an appeal to the U.S. Supreme Court, if necessary. *Lewis* v. *Louisiana*, 1 *Race Rel. L. Rep.* 576 (1956). On appeal, the Louisiana court of appeal, 2 *Race Rel. L. Rep.* 185 (1956), held that the removal to the federal district court had divested the state trial court of jurisdiction. The Louisiana attorney general confessed that he was baffled by the intricacies of the legal proceedings, and on one occasion said that the injunction was still in force, then later changed his mind.

[28] *Texas* v. *NAACP*, 1 *Race Rel. L. Rep.* 1068 (1956). Arkansas is also carrying on a determined campaign to drive the NAACP out of the state. In 1958 the governor revoked its charter. 3 *Race Rel. L. Rep.* 361. This was in addition to three suits instituted against the association in state courts by the Arkansas attorney general.

[29] *Texas* v. *NAACP*, 2 *Race Rel. L. Rep.* 678 (1957). To forestall similar action in North Carolina, the NAACP brought suit for a declaration that it was not required to register under the state's foreign corporation laws, but this relief was denied. *NAACP* v. *Eure*, 1 *Race Rel. L. Rep.* 405 (1956); affirmed by the state supreme court, 95 S.E.2d 893 (1957). The NAACP then paid a $500 penalty and registered as an out-of-state corporation.

maneuverings beyond state control remains to be seen. At any rate, the association decided not to press an appeal of the Texas decision, and one of its counsel in Dallas announced: "We will file a lawsuit tomorrow if any citizen comes to us and asks us to do so with the facts that his civil rights have been violated." [30]

In late 1956 Georgia joined this phase of the counterattack and waged a short but decisive battle. Purporting to be investigating tax evasion, the state revenue commissioner obtained a court order for the organization to produce its records. After some delay, a fine of $25,000, and the jailing of the president of the Atlanta Chapter of the NAACP, the records were surrendered.[31] Harassing the association still further, the trial judge refused to certify portions of the courtroom record, thus stalling the NAACP's efforts to appeal.[32] Meanwhile, on the basis of its investigation the state demanded over $17,000 in back taxes.

Alabama also began a prosecution of the NAACP on the charge that it had been doing business in the state without complying with corporation and tax laws. In addition, the attorney general accused the organization of paying Autherine Lucy to bring suit in federal courts and of planning and financing the bus boycott in Montgomery against the "valid" segregation ordinance. (This ordinance was declared invalid by the Supreme Court of the United States in 1956.[33]) The trial judge — who, before the case was finally disposed of, took part in a state political campaign and promised the voters he would deal the NAACP a mortal blow[34] — granted an injunction against further NAACP activities, and, on the motion of the state, issued an order for the production of the organization's records, including its membership lists. The NAACP, after being hit with a conditional contempt of court fine, supplied substantially all the data commanded, but refused to deliver the membership lists. The judge found the organization in contempt and fined it $100,000.[35] The Alabama supreme court refused review.[36]

While opposing the moves of each of these states, the NAACP chose to make the Alabama attack its main test case. This strategy was vindicated when in June, 1958, the association won a unanimous Supreme Court decision in its favor. Speaking through Justice Harlan, the Court emphasized the importance of group affiliation in both the achievement of political ends and the exercise of constitutional liberty under the First and Fourteenth Amendments. "It is beyond debate that freedom to engage in association for the

[30] *Southern School News*, July, 1957, p. 11.
[31] *Williams* v. *NAACP*, 2 *Race Rel. L. Rep.* 181 (1956).
[32] This action was sustained by the Georgia court of appeals in *NAACP* v. *Pye*, 101 S.E.2d 609 (1957); and in *NAACP* v. *Williams*, 104 S.E.2d 923 (1958).
[33] *Gayle* v. *Browder*, *supra* note 13.
[34] For details, consult *Southern School News*, July, 1958, p. 11.
[35] *Alabama* ex rel. *Patterson* v. *NAACP*, 1 *Race Rel. L. Rep.* 707 (1956); 1 *ibid.* 917 (1956).
[36] *Ex parte NAACP*, 91 So. 2d 214 (1956); 91 So. 2d 220 (1956); 91 So. 2d 221 (1956).

advancement of beliefs and ideas is an inseparable aspect of the 'liberty' assured by the Due Process Clause of the Fourteenth Amendment, which embraces freedom of speech." [37] Since the NAACP had made an "uncontroverted showing" that exposure of its members would subject them to economic reprisal as well as other sorts of community pressure, and since Alabama had proved no substantial interest in securing the names, "we hold that the immunity from state scrutiny of membership lists which the Association claims on behalf of its members is here so related to the right of the members to pursue their lawful private interest privately and to associate freely with others in so doing as to come within the protection of the Fourteenth Amendment." [38]

This decision reversed the contempt conviction, but it did not necessarily end the campaign by Alabama or any other state. The Court ruled that it could not discuss whether or not Alabama could enjoin the association from soliciting support in the state until after the state courts had passed on the merits of this question. In effect this returned the controversy to the Alabama trial court, where both the judge and executive officials indicated they would continue their efforts to oust the NAACP from the state.

III

The right to public employment is less well protected by existing constitutional doctrine and is also less defensible by normal court proceedings than is the practice of law. It was to be expected then, that the segregation counterattack against the NAACP would strike here. The Negro is particularly vulnerable in this area because one of the few opportunities open to educated colored people in the South is public school teaching. The first step for the counterattacking states was thus the repeal or modification of teacher tenure laws. With this as a starting point, the counterattack gained momentum. Mississippi has demanded that state teachers of all ranks must file affidavits listing the organizations to which they have belonged for the past five years.[39] While this act is fair on its face, the Mississippi attitude toward the NAACP, coupled with declarations by state officials that the group is "subversive," leaves little doubt as to the clubbing effect of the registration requirement.

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[37] *NAACP* v. *Alabama*, 357 U.S. 449, 460 (1958). The Court had to dispose several knotty problems to reach its decision. It ruled that the NAACP had "standing to sue" even though it was asserting the rights of its members rather than, strictly speaking, of the corporation itself. See other efforts to wrestle with this question in the various opinions in *Joint Anti-Fascist Committee* v. *McGrath*, 341 U.S. 123 (1951). The Court also refused to concede any significant legal implications from the fact that private persons and not the state would put pressure on NAACP members if their names were published. "The crucial factor is the interplay of governmental and private action, for it is only after the exertion of state power represented by the production order that private action takes hold." 357 U.S. 449, 463 (1958).

[38] 357 U.S. 449, 466 (1958). The Court took the same pains as had the district opinion in *NAACP* v. *Patty*, *supra* note 20, to distinguish *Bryant* v. *Zimmerman*, *supra* note 24.

[39] 1956 Session Laws of Mississippi, chap. 265.

In 1956 South Carolina forbade NAACP members to hold state or local governmental jobs and established a test oath which suspected members would have to sign.[40] Almost immediately a group of Negro teachers attacked this statute in a three-judge federal district court. The court, with each judge writing a separate opinion, applied the doctrine of "equitable abstention" and ordered the case heard before a state court so that the state's interpretation of its own statute might be learned.[41] The late John J. Parker, Chief Judge of the Fourth Circuit and the only appellate judge on the special tribunal, dissented vigorously. He thought the law was so unconstitutional that no purpose other than delay would be served by the decision. The NAACP appealed. And on the day the appeal was filed, the governor signed into law a new bill which repealed the contested statute and adopted regulations much like those of Mississippi.[42]

Joining forces, Louisiana has enacted several statutes[43] which allow a school employee to be dismissed on a charge of "being a member of or contributing to any group, organization, movement or corporation that is by law or injunction prohibited from operating in the State. . . ." The aim here is clarified when it is recalled that at the time of passage, the NAACP had been under a state court injunction forbidding further operations.[44]

The segregation forces have exercised excellent tactical judgment in choosing the public employment field for their battle against the NAACP, but the Negro organization is not completely defenseless, of course. It can protect itself and its members to a limited extent by relying on three constitutional guarantees: the prohibitions against bills of attainder, deprivations of liberty or property without due process of law, and infringements on the rights of free speech and association.

Bills of attainder

By definition a bill of attainder is a legislative act which inflicts punishment without trial. It applies either to named individuals or to readily ascertainable members of a group. The leading case on the matter is *Cummings* v. *Missouri*, which dates from the post-Civil War era. A Missouri constitutional amendment had made ineligible for public office and a number of quasi-public avocations anyone who would refuse to take an oath that he had never borne arms against the United States or adhered to the cause of enemies of the United States. The Supreme Court found this to be as clear a bill of attainder as if the state had spelled out the names of the persons to be

[40] 1956 Session Laws of South Carolina, Act No. 741; 1 *Race Rel. L. Rep.* 751.

[41] *Bryan* v. *Austin*, 148 F. Supp. 563 (1957). The Supreme Court noted the case had become moot and remanded it to the district court where the Negroes could amend their pleadings to include the new statute. 354 U.S. 933 (1957).

[42] 1957 Session Laws of South Carolina, Act No. 223; 2 *Race Rel. L. Rep.* 852.

[43] 1956 Session Laws of Louisiana, Acts Nos. 248, 249, 250, and 252.

[44] *Louisiana* ex rel. *LeBlanc* v. *Lewis*, *supra* note 27.

punished. The provisions assumed guilt and imposed the penalty conditionally. Innocence could "be shown only in one way — by an inquisition, in the form of an expurgatory oath, into the consciences of the parties." [45]

In 1946, this case and its companion, *Ex parte Garland*,[46] were used in *United States* v. *Lovett* to hold unconstitutional a stipulation in a congressional appropriation forbidding three named men to receive government pay. The majority opinion declared that the Civil War cases "stand for the proposition that legislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment without a judicial trial are bills of attainder prohibited by the Constitution." [47]

The crucial question is whether proscription from government service is punishment in the legal sense. Oliver Wendell Holmes implied it was not in his famous dictum from the Massachusetts bench that while a man had a right to free speech he had no constitutional right to be a policeman.[48] But other authorities from Blackstone through the framers of the American Constitution to some present members of the Supreme Court have believed that it is. Blackstone wrote that "a disability of holding office or employments" was a type of punishment.[49] Article I, section 3 of the Constitution lists prohibition from holding national office as one of the penalties for an impeachment conviction. This provision was cited by Justice Field in the Cummings case when he stated for the Court that disqualification from office could be used as punishment.[50] In 1946, in the Lovett case, the Court majority thought that deprivation from government employment was a "severe" form of legal penalty.

These anti-NAACP regulations fit neatly into the description given by the Court in the Cummings case: "The oath could not, therefore, have been required as a means of ascertaining whether parties were qualified or not for their respective callings or trusts with which they were charged. *It was required in order to reach the person, not the calling.*" [51]

Due process of law

Another defense would be the argument that these statutes constitute a denial of due process of law in arbitrarily depriving persons of their liberty and property. As the Georgia supreme court has said,[52] the right to make a

[45] 4 Wall. 277, 320 (1867).
[46] 4 Wall. 333 (1867).
[47] 328 U.S. 303, 315–316 (1946).
[48] *McAulliffe* v. *New Bedford*, 29 N.E. 517 (sup. jud'l ct. of Mass., 1892).
[49] *Commentaries on the Laws of England* (From the 19th Cent. London ed.; New York: William E. Dean, 1854), IV, 377.
[50] 4 Wall. 277, 320 (1867).
[51] *Ibid.* (Italics supplied).
[52] *Schlesinger* v. *Atlanta*, 129 S.E. 861, 866 (1925).

living is among the most precious of human rights. But countering this is the assertion that no one has a constitutional right to government employment.

The cold war intensification of loyalty-security programs forced the Supreme Court to try to resolve these conflicting principles. The Court has not been entirely consistent in this task. At first it tended to bow to the popular demand for tight security regulations at almost any price. Later, especially after the end of the Korean War, the justices gave closer scrutiny to loyalty programs. While the judgments are not easy to reconcile, three basic rubrics can be distilled from a careful reading of the opinions in this farrago of cases.

First, no one has a right to work for the government on his own terms. The state or the nation may demand high standards of professional competence, and it may also assure itself "of fidelity to the very presuppositions of our scheme of government on the part of those who seek to serve it. No unit of government can be denied the right to keep out of its employ those who seek to overthrow the government by force or violence or are knowingly members of an organization engaged in such endeavor." [53]

Second, in sustaining various restrictions on public servants, the Court has put emphasis on the reasonableness of such limitations. Both implicitly[54] and explicitly,[55] it has stated that public employees cannot be arbitrarily removed. The key consideration for valid discharge regulations lies in a rational connection between the statutory provisions and the legitimate end sought to be achieved.

A third precept, or an extension of the second, also emerges and this one is particularly applicable to the anti-NAACP laws. In addition to being reasonable, permissible restrictions must be nondiscriminatory. Under the guise of protecting itself from subversion a government agency may not practice racial or religious discrimination. Concurring in part in one of the early loyalty cases, Justice Frankfurter wrote that "it does not at all follow that because the Constitution does not guarantee a right to public employment, a city or a State may resort to any scheme for keeping people out of such employment . . . . *Surely, a government could not exclude from public employment members of a minority group merely because they are odious to the majority,* nor restrict such employment, say, to native-born citizens. To describe public employment as a privilege does not meet the problem." [56]

In a similar stand, Justice Jackson, concurring in another security case, declared: "The fact that one may not have a legal right to get or keep a government post does not mean that he may be adjudged ineligible illegally." [57]

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[53] Justice Frankfurter, concurring in part and dissenting in part in *Garner* v. *Board*, 341 U.S. 716, 725 (1951).

[54] *United Public Workers* v. *Mitchell*, 330 U.S. 75 (1947).

[55] *American Communications Association* v. *Douds*, 339 U.S. 382, 405 (1950).

[56] *Garner* v. *Board*, *supra* note 53, at 725. (Italics supplied.)

[57] *Joint Anti-Fascist Committee* v. *McGrath*, *supra* note 37, at 185.

This view was phrased even more precisely by Justice Clark, one of the chief architects of the oft-criticized federal loyalty program, when he wrote for the Court: "To state that a person does not have a constitutional right to government employment is only to say that he must comply with reasonable, lawful, and *non-discriminatory terms* laid down by the proper authorities." [58]

Earlier Clark had explained for the Court that the statement that no one had a right to work for the government meant no more than that one had to obey "reasonable terms" prescribed by proper authorities. "To draw from this language the facile generalization that there is no constitutionally protected right to public employment is to obscure the issue. . . . We need not pause to consider whether an abstract right to public employment exists. It is sufficient to say that constitutional protection does extend to the public servant whose exclusion pursuant to a statute is patently arbitrary or *discriminatory*." [59]

In a court battle over the anti-NAACP laws, the usual presumption of the rationality of a statutory classification would be countered by the rule that regulations affecting one ethnic or racial group are immediately suspect.[60] The application of the three principles just discussed would shift the burden of proof onto the state. It would have to be demonstrated that the NAACP was subversive in a similar sense to the Communist party and dangerous to the extent that mere knowing membership would be reasonable grounds for disqualification from holding public trust.

Free speech

The third argument, that these statutes are unconstitutional abridgments of freedom of speech and association, is more difficult to demonstrate, though the abridgments are nonetheless real. It would not be an infringement of these fundamental freedoms as defined and limited by the Supreme Court for a state to forbid partisan political activity to be carried on during actual working hours, or to order state officers to refrain from publicly expressing themselves on controversial public questions. The delicacy of the school teacher's position might make reasonable a requiremnt of neutrality in classroom discussions of current political issues. But to proscribe totally the right to associate and to communicate with others of like beliefs, as long as the beliefs do not include advocacy or conspiracy to use violence or other illegal means, is to cut deeply into the underpinnings of a free society. As the late Justice Jackson once forcefully phrased it: "A free man must be a reasoning man, and he must dare to doubt what a legislative or electoral majority may most passionately assert." [61]

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[58] *Slochower* v. *Board*, 350 U.S. 551, 555 (1956). (Italics supplied.)

[59] *Wieman* v. *Updegraff*, 344 U.S. 183, 191–192 (1952). (Italics supplied.)

[60] *Korematsu* v. *United States*, *supra* note 4, at 216 (1944).

[61] *American Communication Association* v. *Douds*, *supra* note 55, dis. op., 442. The supreme court of appeals of Virginia was once far more liberal in this regard than the

In an otherwise unperceptive volume,[62] K. R. Popper has popularized the distinction between the "closed society" where traditions of myth and folkway are preserved through strict taboos, and the "open society" where individuals are confronted with rational as well as traditional decisions regarding social policy. The First Amendment — and its application to the states via the Fourteenth — commits the United States to the "open society" concept. No political or social system enjoys a right to be enshrined as a perpetual state-way. No facet of political life is beyond criticism and peaceful change, provided enough people can be persuaded that change is desirable. This is less a denial of absolute values than it is a recognition of the multiplicity of ends to achieve those values.

Court limitations

In spite of the constitutional doctrines which negate discriminatory state employment policies, there are many practical problems involved which place the advantage fully with the segregation groups. Wholesale dismissal of NAACP members would mean invalidation of the statutes, but harassment by firing a few organization members or leaders on some pretext other than membership would be hard to defeat. In the absence of a showing of discrimination, it would be especially difficult to obtain a declaratory judgment and an injunction against future enforcement. The realization of these difficulties will surely cause many potential recruits, as well as actual members, to reconsider their affiliation.

More fundamental is this problem: suppose it were proved that a group of teachers had been fired for the sole reason that they belonged to the NAACP. Would a subsequent declaration of invalidity of the statute give them back their jobs? Theoretically it should. But since state legislatures appropriate the money to pay public salaries, such a judgment might not have this effect.[63] There is an additional escape avenue open to the state. It can abolish the job and remove the cause of action. Such tactics could seriously inconvenience NAACP members who are public servants — the law of the Constitution to the contrary notwithstanding. This inconvenience

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U.S. Supreme Court. The Virginia tribunal held unconstitutional a state statute which restricted active participation in political affairs by certain public officials including school employees: "We cannot read that case [*Ex parte Curtis*, 106 U.S. 371 (1882)] and regard it as giving countenance to congress, or to any other legislative body, to seal the lips of citizens, and exclude them from the assemblies of the people, unless they will sit dumb among their fellow men, and to forbid their holding communion with their fellow-citizens on governmental questions, to directly or indirectly influence the votes of others." *Loutham v. Commonwealth*, 79 Va. 196 (1884). The law in question was held to be an abridgment of free speech and assembly.

[62] *The Open Society and Its Enemies* (Princeton: Princeton University Press, 1950).

[63] Compare the narrow margin by which the appropriation to restore the salaries of those vindicated by the Lovett case, *supra* note 47, was approved. 93 *Cong. Rec.* 987–91 (1947).

would not be permanently one-sided, of course. Suits would quickly be begun in federal courts, and state officials would be vulnerable to both contempt action and prosecution under the Civil Rights Acts, but such reprisals would be of doubtful aid in restoring job rights.

Disobedience or discharge

Carrying the protection of segregation one step farther, the Louisiana statutes restricting membership in the NAACP also make it grounds for dismissal for any teacher or school employee to be discovered "advocating or in any manner performing any act toward bringing about integration of the races within the public school system. . . ." [64]

Not to be outdone, the Georgia State Board of Education adopted a set of resolutions which declared that any teacher who "supports, encourages, condones, or agrees to teach mixed classes" would have his or her license revoked "forever." [65] While this was regarded by some as a legitimate and logical course, a number of newspapers and civic and religious organizations were deeply disturbed. The Episcopal Bishop of Atlanta called the measure "thought control." [66] It was attacked as "dangerous to democracy" by the *Macon News* (prosegregation); as "stepping beyond the bounds of common sense" by the *Columbus Enquirer* (prosegregation); and as "a most serious restriction on freedom of speech" by the *Augusta Herald* (prosegregation).[67] In view of the heavy protest, the State Board withdrew its resolutions. Instead, it announced that teachers would be required to sign an oath to "uphold, support and defend the constitution and laws of Georgia." Enforcement of this oath would be left to local authorities.[68]

The Louisiana statutes and the first resolutions of the Georgia State Board are so patently unconstitutional that it is difficult to discuss them. Under no accepted theory of American federalism may a state impose a disability or administrative punishment on a citizen for the sole, or chief, reason that he advocates or condones obedience to the Constitution of the United States. After all, national supremacy is explicitly written into the Constitution. The same basic principle would apply to the later resolutions of the Georgia State Board if support of segregation were included. A citizen simply cannot be legally made to obey an unconstitutional state statute. The courts and the NAACP, however, would face the identical obstacle presented by the other public employment statutes; inability to cope with defiance.

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[64] 1956 Session Laws of Louisiana, Acts Nos. 248–50, 252.

[65] *Southern School News*, August, 1955, p. 4.

[66] *Ibid.*, September, 1955, p. 16.

[67] These and similar views are quoted in *ibid.*, August, 1955, p. 4. See also issue of September, 1955, p. 16.

[68] *Ibid.*, September, 1955, p. 16.

IV

The methods of counterattack get curiouser and curiouser. One of the most ancient means of preventing the growth of unwanted ideas is to keep those who might disseminate such thoughts from operating within the territory controlled by the government. The history of this form of censorship has given it an unsavory background, but apparently some localities are willing to sacrifice freedom for conformity. The first of the special sessions of the Alabama legislature which were held in 1956 passed an act[69] applying only to Marengo County. This makes it unlawful for any person to solicit membership for any organization requiring dues until the organization files certain information with the probate court. Broad exceptions are made for religious, charitable, literary, scientific, and government groups, but all others must supply detailed information including a list of the names and addressess of all contributors in Marengo County. This statement will be available for public inspection during the regular hours the court is open.

In a similar approach to the same end, the Alabama legislature approved another local regulation, this one applying only to Wilcox County. It requires any organization soliciting membership in the county to pay a one hundred dollar licensing fee, plus five dollars for every member joined.[70] Its sponsor candidly explained the necessity for the bill: "Without such a proposal it would be very easy for the NAACP to slip into Wilcox County and teach the Negroes undesirable ideas." [71] Governor Folsom took a different view and vetoed the bill as "unjust, unfair, and undemocratic," but the legislature overrode the veto and passed the act into law.

These statutes, representing a type of regulation which seems to be spreading in the South,[72] often directed against labor unions as much as or more than against Negroes, will certainly be annoying even if they do no more than to force the NAACP to expend time, talent, and money to have them invalidated. However, unlike the public employment field, in this area a court order can pretty effectively stop the harassment. And since time and again the United States Supreme Court has struck down similar statutes,[73] whether requiring registration or fee payments, judicial relief would be quickly granted.

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[69] 1956 First Special Session Laws of Alabama, Act No. 43.

[70] 1955 Session Laws of Alabama, Act No. 238.

[71] *Southern School News*, September, 1955, p. 3.

[72] *Staub* v. *Baxley*, 355 U.S. 313 (1958), invalidated one of these ordinances, this one passed by a small Georgia town and applied to a labor union. Little Rock and North Little Rock, Arkansas, adopted anti-NAACP ordinances in the fall of 1957 after the school disorders and quickly enforced them against local NAACP officials. At this writing the cases are still in the appellate process. The Little Rock Regulation is reprinted at 2 *Race Rel. L. Rep.* 1158. Georgia's attorney general has circulated a copy of the Little Rock ordinance to all mayors in his state. 3 *Race Rel. L. Rep.* 128. For details on other similar regulations consult *Southern School News*, May, 1956, p. 9; March, 1957, p. 16; December, 1957, pp. 3, 5; and March, 1958, p. 8. The text of a Halifax, Virginia, ordinance is reprinted at 1 *Race Rel. L. Rep.* 958.

[73] For such holdings see: *Lovell* v. *Griffin*, 303 U.S. 444 (1938); *Hague* v. *C.I.O.*, 307 U.S. 496

The NAACP can cloak itself with the protection of the First Amendment without difficulty. Even assuming the correctness of the charge that the association is a profit-making organization, it also has certain social and political aims — as the very existence of the present controversy testifies. The fact that it tries to finance its operations by asking for contributions does not materially affect its legal status. It is true that the First Amendment does not protect "solicitors for gadgets and brushes," [74] but the request for a membership fee does not put a group into the purely commercial category. "Freedom of speech, freedom of press, freedom of religion are available to all, not merely to those who can pay their own way." [75]

Where it engages in wholesale or retail buying or selling, the NAACP is in a position no different from other business enterprises. If its members libel[76] or incite to riot they may be punished like any other offenders. But the organization's recruiting of members and its attempts to persuade the public and the government of the rightness of any aims it intends to accomplish by peaceful, constitutional means are privileged as free speech.

V

As a final facet of the reaction against the NAACP, almost every state government controlled by segregationists has instituted an investigation of

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(1939); *Schneider* v. *New Jersey*, 308 U.S. 147 (1939); *Cantwell* v. *Connecticut*, 310 U.S. 296 (1940); *Jones* v. *Opelika*, 319 U.S. 103 (1943), reversing 316 U.S. 584 (1942); *Murdock* v. *Pennsylvania*, 319 U.S. 105 (1943); *Martin* v. *Struthers*, 319 U.S. 141 (1943); *Thomas* v. *Collins*, 323 U.S. 516 (1945); *Marsh* v. *Alabama*, 326 U.S. 501 (1946); *Tucker* v. *Texas*, 326 U.S. 517 (1946); *Saia* v. *New York*, 334 U.S. 558 (1948); *Niemotko* v. *Maryland*, 340 U.S. 268 (1951); *Kunz* v. *New York*, 340 U.S. 290 (1951); *Burstyn* v. *Wilson*, 343 U.S. 495 (1952); *Gelling* v. *Texas*, 343 U.S. 960 (1952); *Superior Films Inc.* v. *Department of Education of Ohio*, 346 U.S. 587 (1954).

Prior restraint has been permitted by the Court under certain circumstances, but of the cases presently to be noted, the first two involved commercial enterprises, the next the use of a loudspeaker, and the fourth is in a class by itself. *Valentine* v. *Chrestensen*, 316 U.S. 52 (1942); *Breard* v. *Alexandria*, 341 U.S. 622 (1951); *Kovacs* v. *Cooper*, 336 U.S. 77 (1949); *Poulos* v. *New Hampshire*, 345 U.S. 395 (1953). To this list *Cox* v. *New Hampshire*, 312 U.S. 569 (1941), should probably be added. There the Court sustained a requirement for a license and a nominal fee for the use of public streets for a parade.

[74] *Breard* v. *Alexandria*, *supra* note 73, at 641.

[75] *Murdock* v. *Pennsylvania*, *supra* note 73, at 111. See also *Burstyn* v. *Wilson*, *supra* note 73, at 501–2: "That books, newspapers, and magazines are published and sold for profit does not prevent them from being a form of expression whose liberty is safeguarded by the First Amendment."

[76] The NAACP has already had difficulty here, losing at least two expensive suits. *Nash* v. *Sharper*, 93 S.E.2d 457 (sup. ct. of So. Car., 1956) resulted in a $10,000 award growing out of association charges that a Sumter County attorney had coerced NAACP members into denying signing an integration petition. The plaintiff offered to return the money in ten years if no integration suits were brought in the interim. The Negroes of the county answered by raising $7,300. The Presbyterian Church, U.S.A., which had offered to pay the full judgment, put up the rest of the money. In *Pruitt* v. *Mizell*, a Florida legislator was awarded $15,000 from a colored doctor because of remarks made about his support of segregation legislation. For details, see *Southern School News*, July, 1956, p. 2.

the Negro group.[77] And once more the NAACP has parried the blow by shifting the conflict into the judicial process. Virginia supplied the occasion for a test case in 1957 when the Boatwright Committee demanded the association's membership lists. The organization refused to supply these names, even after being served with a subpoena from a state court. Instead, the NAACP appealed to the highest state tribunal, but that court found the demand for the lists to be reasonable and not to be an infringement on members' rights to freedom of speech and association.[78] The Negroes then took their case to the United States Supreme Court, which vacated the judgment on the grounds that Virginia had conceded the issues had become moot.[79] In light of previous Supreme Court decisions,[80] it would seem that dropping the case saved the state from a curt reversal.

Federal court action will stop or seriously slow efforts to harass Negro leaders by direct legislative interrogation about their association activities, but it will not halt the investigations or change their tone. And in a real sense the purely constitutional issues involved are secondary to a larger policy consideration. As part of the resistance against integration, one of the standard tactics has been to assert that desegregation is Communist-inspired. Naturally enough, the avowed purpose of some of these legislative inquiries has been to reveal Communist domination of the NAACP.[81]

While both government officials and NAACP members should be constantly aware that the Communist party would like nothing better than to

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[77] The reports of two Virginia legislative committees have been published at 2 *Race Rel. L. Rep.* 1159; 3 *ibid.* 98. For other investigations read *Southern School News*, November, 1956, p. 7; March, 1958, p. 5; April, 1958, pp. 5, 9, 13; June, 1958, p. 15.

[78] *NAACP* v. *Committee*, 101 S.E.2d 631 (sup. ct. of appeals of Va., 1958). The Florida supreme court sustained a similar order for production of NAACP membership lists, *In re Graham*, 104 S.E.2d 16 (1958).

[79] *NAACP* v. *Committee*, 3 L. ed. 2d 46 (1958). The Court has granted certiorari in *Scull* v. *Virginia*, 357 U.S. 903 (1958), a case growing out of another phase of Virginia's NAACP investigations. Scull, a white member of the NAACP, refused with Quaker stubbornness to answer thirty-one questions posed by legislators, claiming the questions infringed on his First Amendment rights. A county circuit court found him guilty of contempt and sentenced him to ten days in jail and a fine of $50.

[80] *NAACP* v. *Alabama*, *supra* note 37; *Watkins* v. *United States*, 354 U.S. 178 (1957); *Sweezy* v. *New Hampshire*, 354 U.S. 234 (1957); *Sacher* v. *United States*, 356 U.S. 576 (1958). The Fifth Amendment could be of little value before state investigatory bodies. First, a corporation as such may not claim the privilege against self-incrimination, *Hale* v. *Henkel*, 201 U.S. 43 (1906). Second, the privilege is not included in the due process clause of the Fourteenth Amendment, *Twining* v. *New Jersey*, 211 U.S. 78 (1908); *Palko* v. *Connecticut*, 302 U.S. 319 (1937); *Adamson* v. *California*, 332 U.S. 46 (1947). Third, if the state has such a clause in its constitution this can be circumvented by an immunity statute like that recently adopted by Virginia, 1956 Extra Session Laws, chap. 36, sec. 5. For a decision upholding a similar but broader federal statute, see *Ullmann* v. *United States*, 350 U.S. 422 (1956).

[81] See, for example, the title of the two-volume (small pamphlets) study issued by the Georgia Education Commission of sworn testimony before the Florida Legislation Investigation Committee: *Communism and the* NAACP. The actual study, while very critical of the Negro association, concedes: "This organization is *not* a Communist front." (I, 40; italics in original.)

control this Negro group, to date no responsible federal official has made any charge of Communist influence in the NAACP. Indeed, J. Edgar Hoover has praised the NAACP for its success in defeating Communist attempts to infiltrate the organization.[82] Aside from distracting attention from the real problems which confront states with large Negro populations, there is great danger in naïve propaganda efforts to equate opposition to segregation with belief in communism. The Communist party has apparently not been able to gain real influence among American Negroes,[83] but if the leaders of segregation states identify the Negro's desires for improvement of his social status with Marxism, they may succeed in driving colored people into the arms of left-wing radicalism. The same danger, of course, is always present in any campaign to use governmental authority to freeze the economic or social status quo and deny the possibility of peaceful advancement to those on the lower rungs of society's ladder. Such a strait-jacket course invites the conversion of the ambitious to revolutionary dogma.

VI

The results of this counterattack can be placed in two general categories. First, on an immediately practical plane, this campaign will certainly not permanently stymie integration. Without a doubt legal intimidation, especially when reinforced by economic coercion, can hurt the NAACP, and in fact already has in that the organization's membership in 1957 fell almost 38,000 from the 1956 figure of 350,000. Painful as such blows may be, they are not fatal.

Some phases of the counterattack may occasionally cause the association to go out of business for short periods, but other groups can be formed, as they have been in Louisiana and Alabama, for example, to take over the struggle; and the NAACP can go underground. While this would be bothersome, its effects would not necessarily be altogether detrimental to the Negro organization since clandestine associations seem to develop an extremely useful cohesion which other groups seldom achieve.

This counterattack is also serving to some degree as an escape valve for the disappointment and despair which the white South feels at the end of legalized public segregation. But this anger may well wreck the best chances the South has of coping with the problems of desegregation. As a moderate, elitist organization, the NAACP has opposed the more militant racial radi-

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[82] J. Edgar Hoover, *Masters of Deceit: The Story of Communism in America and How to Fight It* (New York: Holt, 1958), pp. 246–47, 252.

[83] See Wilson Record, *The Negro and the Communist Party* (Chapel Hill: University of North Carolina Press, 1951). Testimony of ex-Communists before a Louisiana legislative committee supports Record's observations. *New York Times*, March 9, 1957, p. 10:4. Compare Edward Hunter's study on American reactions to life in Red prison camps, *Brainwashing: The Story of Men who Defied It* (New York: Farrar, Straus & Cudahy, 1956), in which Hunter found that, as a group, Negroes had higher resistance to brainwashing than whites.

calism of both Communist and other agitators. If the gradual, legalistic approach of the NAACP is beaten or even becomes unproductive, it is more likely that Negroes, having enjoyed one taste of victory, will turn to extremist elements for support rather than docilely resume their old caste status.

On a different plane, the power behind the counterattack will compel more court decisions involving questions similar to those presented by *NAACP v. Patty*. Such cases must concentrate attention on the role of interest groups in the judicial process as well as on the part the judiciary plays in the waging and resolving of social conflict. In addition, such court determinations could do much to set permissible confines to judicial pressuring activities and possibly stir realistic legislation and court rules[84] regulating the practice of "group law."

As long as judicial interpretation of the Constitution or of federal statutes exists, some form of court lobbying is inevitable in a democratic society. Frank recognition of this fact would further damage the virile myth that courts only "discover" law and do not formulate public policy. If it makes judges more aware of the duality of their function, this aspect of the segregation struggle could bring real benefits in terms of smoother working of a trifurcated governmental system. At least for the short run, however, this potential gain weighs lightly when scaled against the bitterness and occasional flashes of violence which continue to mark the current caste war.

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[84] In the 1954 revision of its rules, the Supreme Court changed its regulations to restrict the filing of amicus curiæ briefs. (Rule 42.) Justice Black denied the soundness of such a restriction: "Most of the cases before this Court involve matters that affect far more people than the immediate record parties. I think the public interest and judicial administration would be better served by relaxing rather than tightening the rule against amicus curiæ briefs." See the literature cited in note 2, *supra*.

THE "CONSENT" OF THE GOVERNED

C. W. CASSINELLI
Whitman College

ONE OF THE MOST POPULAR phrases in the literature of political theory is "government by the consent of the governed." In spite of Hume's cogent arguments, theorists have continued to use the notion of consent both in the traditional Lockean sense and in senses which Locke apparently did not contemplate. It appears useful, therefore, once again to examine the statement that government, and especially democratic government, possesses the consent of its governed.

In the present essay, I shall argue that the notion of consent is a fiction. It may well have been the recognition of the fictional nature of consent which prompted political theorists to make the famous distinction between consent and "tacit" consent.[1] If this distinction was an attempt to save the general theory of consent, it was unsuccessful, because the arguments to be presented here against consent apply as well to tacit consent. It will thus be shown that the latter is also a fiction.

Although consent does not occur, there is without question a characteristic which some governments possess and which others lack, and which is, it seems to me, what modern political theorists have been trying to explain by their often rather involved theories of tacit consent. This characteristic is possessed by democratic government but not, as has often been thought, by democratic government alone. For lack of a better term, it can be called "hypothetical consent" or "legitimacy." There are thus four points to be established: both consent and tacit consent are fictitious; there is, however, a difference between governments "by the consent of their governed" and those without such "consent"; it is the presence and absence of "hypothetical consent" or "legitimacy" which gives rise to this difference; and democratic government is among those governments which possess such "legitimacy."

I

In order to show that the concepts of consent by the governed are really fictions, it is necessary first to state very carefully what is meant by saying that consent to a government takes place. There has been a tendency to think of the concept of consent as a useful explanatory tool, whereas in truth it is itself badly in need of clarification. The logical way to begin an analysis of the nature of genuine consent and the conditions necessary to its occurrence, is by calling attention to the literal meaning of the word "consent." A dictionary will define the noun as "voluntary accordance with, or concurrence

[1] For example, Guido de Ruggiero, *The History of European Liberalism* (London: Oxford University Press, 1927), p. 409. Locke's statement occurs in the *Second Treatise on Civil Government*, chap. viii, par. 119.

in, what is done or proposed by another." This meaning must be kept in mind, since it is only reasonable to expect the political theorists, when they use the word, to be referring to a political situation wherein someone voluntarily agrees to something which someone else does. If any of these characteristics is missing from the situation, one can properly request the substitution of another word.

As stated above, there are two separate theories of consent, although they are not always clearly distinguished. The first concerns consent proper, what might be called "overt" or "express" consent; the second concerns so-called tacit consent. Theories of overt consent have attempted to show that the governed perform, at one time or another, a specific act or group of acts which can accurately be described as observable voluntary agreement to accept the control of government. To prove the existence of overt consent the theorists must discover a specific act of voluntary accordance or concurrence by a relevant segment of the citizenry to a given act or set of acts by another segment, which usually consists of official governmental personnel. The traditional phrase, "government by the consent of the governed," clearly has these implications. The ancient theory of the social contract is a prototype of overt consent: by voluntarily giving express approval (presumably in speech or writing) to a compact, the terms of which stipulate that the citizens-to-be agree to put themselves under the control of the government-to-be, the subsequent actions of the government have been overtly consented to. In the case of the social contract, those who consent are the people who will subsequently be governed, and the actions to which they consent are performed by governmental officials and they come within certain categories explicitly stated in the contract. Thus all the conditions necessary for consent are present: voluntariness, a specific act on the part of the consenters, a particular action consented to, and specific agents who perform this action. If overt consent is to be discovered within the contemporary political context, it must resemble the social contract in each of these respects.[2]

When overt consent is discussed in contemporary political writing, it is almost invariably linked to modern democratic government, that is, to "representative" government, although some mention may be made of pure democracy. Since the latter is at present practical in only a few contexts, there is no reason to spend time discussing consent, either "overt" or "tacit," in conjunction with pure democracy. In any event, most of the arguments against the existence of overt consent to a representative government apply as well against its existence in a pure democracy; this applicability can be easily recognized as the discussion proceeds. In addition, it is usually denied

[2] In current language, the association under consideration must be "voluntary" rather than "involuntary." See the distinction made between the two by Robert Bierstedt, "The Problem of Authority," in *Freedom and Control in Modern Society*, ed. Berger, Abel, and Page (New York: Van Nostrand, 1954), pp. 78–79.

that overt consent exists in non-democratic regimes, although it may be thought that the latter can receive tacit consent.

The reason for believing that only a representative government can receive overt consent is simple to understand. One of the peculiarities of representative government is that some of its processes require the participation of a substantial proportion of the people who are subject to the government, and the attempt has naturally been made to discover in this participation the essence of the overt act of consent. Elections have been the most popular of these means of participation and, if they imply overt consent, then the latter is obviously a necessary condition of representative government. However, as will be seen, the search for overt consent need not be restricted to the area of the electoral process.

II

The first way in which the voters' participation in the elections of representative government has been interpreted as an overt act of consent is very simple. It is said that the government rests upon the consent of the governed because at certain fixed periods the policies of the government are submitted for the approval or disapproval of the governned.[3] According to this view, voluntariness is present because the voter's choice of candidate or party is uncoerced; the action consented to is the past or future behavior of the candidates for the offices of representative; the overt act is casting a ballot; and the consenters are the voters for the winning candidates. This may be the most simple theory of consent, but it is also the weakest.

The first defect of the theory of consent by means of uncoerced elections is the fact that, except under schemes of proportional representation,[4] not only is consent given by only a small proportion of the population but there is also always a substantial proportion which quite clearly dissents. The concept of the governed in the phrase "government by the consent of the governed" becomes extremely narrow and its referent fluctuates from election to election. In order to prove a theory of consent one need not show that everyone living under the jurisdiction of a representative government consents to this government. But the spirit of the theory surely implies that consent is proffered by at least all the first-class citizens, such as the members of a modern electorate. When to this objection is added the occurrence of explicit acts of dissent on the part of perhaps more than half the participants in the election, one can hardly claim that the governed consent through the medium of elections.

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[3] For example, Sidney Hook, *Reason, Social Myths, and Democracy* (New York: John Day, 1940), p. 285. Almost all the arguments for both overt and tacit consent which I shall examine are at least suggested in chap. viii of Locke's *Second Treatise*; it is their contemporary expression which will concern us here.

[4] This first argument, however, is the only one which does not apply to proportional representation.

In the second place, although consent is undoubtedly forthcoming, at least to the men who are to control the activity of the government, the thing being consented to is not fundamental enough to fit the customary sense of the theory of consent. After all, the voter at the advent of an election is faced with a *fait accompli* regarding the nature of the government: the most important aspect of the whole situation is the existence of the electoral system itself, and no one has given the voter an opportunity to approve of it. Furthermore, the first word in the phrase "government by the consent of the governed" seems to refer to something more than the "Government" or the "Administration." The social-contract theory had the governed consenting overtly to the entire system of government. To put this argument in another way, membership in an association may be voluntary, but as long as one remains a member it is mandatory that he accept authority.[5] The system of elections is an integral part of the structure of the association in question and hence the authority of the association applies to the method of filling official positions. Consent to this latter authority must be discovered by any theory of overt consent, since the voluntary acceptance of all aspects of the association's authority must be accounted for.

Finally, it can be asked of one who maintains that consent is manifested by the majority in an election, what information does this statement convey? The answer is clear: it tells us nothing that we did not know before; it merely gives a name to the processs of choosing governors by means of elections. The criticisms of this position presented above have shown that the name is not an accurate one. Moreover, even if the relationship between this theory and the traditional theory is disowned, the term "consent" would be unhappily chosen since it cannot avoid suggesting that something more than a simple election has taken place. It is obvious to everyone that the choice of the majority will become a representative; it would probably not be so obvious that "consent" referred to nothing more.

There is another way in which the institutional device of uncoerced elections can be utilized in a theory of overt consent, a way which apparently avoids the most evident defects of the approach just examined. It is alleged that because the voter participates in an election he accepts the general principles upon which the government is based, that is, the representative system of government; and from this it follows that he accepts as proper the specific acts of given governmental personnel.[6] Voluntariness is present not because the individual is free to choose his candidate but because he is free to vote.[7]

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[5] Bierstedt, *op. cit.*, p. 80.

[6] "The exercise of the right to vote is an implied acceptance of the general order of the state. By that act each voter affirms the principle that what the majority determines shall stand as the policy of the whole state, while his right remains effective to work for the triumph of the policy which is his own." R. M. MacIver, *The Modern State* (London: Oxford University Press, 1926), p. 199.

[7] This theory cannot apply to all contemporary democratic governments, because some of them have adopted schemes of compulsory voting.

The consenter is the man who has voted and, as is necessary to any theory of consent, the action consented to is performed by the governors acting in their official capacities. The voters are supposed to consent not to any particular governmental activity but to the right of the government to engage in such activity. It clearly follows that if they have consented to the latter they have also consented to any of the former.

Although this attempt to prove the existence of overt consent is more sophisticated than the previous one, it also contains a basic flaw. The voters do not consent directly to the "general order of the state," since it cannot be assumed that they consider elections as opportunities to approve or disapprove of the fundamental principles of a representative government.[8] The theorist must infer acceptance of the system from the fact of voting in an election; that is, he must show a connection between the fact of voting and an overt but unobserved fact of consent. The "fact of consent" can be only the individual's explicitly saying to himself or to someone else, "I approve of the representative form of government."

There are two reasons why this inference cannot be drawn. In the first place, it is very unlikely, no matter what evidence is presented, that any great proportion of the people ever say explicitly that they approve of any system of government. In the second place, the act of voting is not very closely connected with an attitude giving rise to overt consent. People may vote because they feel it to be their duty, or because they wish to conform to the behavior of their social group, or because they are interested in specific issues or candidates. These and other motivations for voting are not psychologically associated with an awareness of representative government as a system of government. In addition, the physical act of casting a ballot is not likely to stimulate in the minds of very many voters reflections on the whole system of which it is a small part.

In answer to this analysis, someone might object that the inference to be drawn from the act of voting is not that each individual says "I consent," but that he would consent if he happened to be asked. This is a reasonable retort, but it involves a changing of the subject. I have been considering the possibility that overt acts of consent occur. That the voters would consent if they had an opportunity which they do not now have does not by itself significantly increase this possibility. The suggestion about "potential consenting" is an important one, however, and it will be taken into consideration later in the present essay.

III

The preceding attempts to find overt consent have used as their primary data the uncoerced elections essential to representative government. First

[8] Cf. Hume, "Of the Original Contract," in *The Social Contract*, ed. Sir Ernest Barker (London: Oxford University Press, 1947), p. 221.

the voters for the winning candidates were identified as the consenters, and then all the voters were given this function. These two approaches exhaust the possibilities of using elections as the act by which the governed consent to the government, but there are other things which can be used. A particular type of constitutional system serves as the primary factor in my last example of a theory of overt consent.

This theory maintains that the people, or a large part of them, expressly approve a representative system of government because of the special relationship existing between them, on the one hand, and the constitution within the framework of which the representative government operates, on the other. It is said that the governed both create the constitution and have the power to amend it.[9] The power of creation and the power of amendment are two distinct things[10] and it will be convenient to discuss them separately.

If "creation" means that the people give approval by a plebiscite to a constitution which becomes effective upon receiving a favorable popular response, then not only is the theory analogous to the one utilizing the majority vote in particular elections as the overt act of consent, but it also involves the difficulty that the vote of one historical majority must express the consent for all future members of the governed. The theory in this form is no more than a variation of the traditional social contract.

However, the power to create a constitution, the "constituent power" as it is called, is not merely the power behind the adoption of a constitution; it is, generally speaking, "that part of the community which is capable of wielding the *de facto* residuary power of changing or replacing an established order by a new constitution." [11] This concept of constituent power is perfectly reasonable, because in every society there are certain groups of human beings who could change the form of government if they so desired. But the introduction of the concept of the constituent power is by itself no help in the present context; it says only that governments and constitutions persist because they have a certain pattern of political support. To make it useful for the theory of consent, one must show that possessing constituent power is tantamount to consenting and that the governed are the possessors of this power.

The men who possess a power, which by definition is large enough to enable them to change their form of government, are by their tolerance overtly consenting to the current form only if two conditions are satisfied. The political theorists must be able clearly to identify these men, and they themselves must be aware of their special position in the constitutional structure of the state. In the democratic state, the problem of identification may

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[9] Carl J. Friedrich, *Constitutional Government and Democracy* (rev. ed.; Boston: Ginn, 1950), p. 266.

[10] *Ibid.*, pp. 135–36.

[11] *Ibid.*, p. 136.

appear not too serious, but to attribute the necessary awareness to the relevant groups is impossible.

It is not inaccurate to say that the governed possess the constituent power under representative government, if by this one means that the electorate must be depended upon to put into office men willing to preserve the representative system. The statement can even be refined in order to avoid attributing the ability to act to as amorphous a thing as the electorate. By dividing it into politically significant groups, each of which is large enough to disrupt the system, the possibilities both for identification by the theorist and for action by the electorate may be increased. The American farmers, for example, could by concerted action seriously weaken and perhaps even destroy representative government in the United States, and special circumstances can be imagined which would incline them to reject the existing system of government. The same remarks can be made with respect to other economic and sectional groups of similar size and coherence. Representative government is peculiar in its sensitivity to this type of group, and one might well attribute *a* constituent power to each and *the* constituent power to all of them in conjuncion. But to maintain that the governed overtly consent implies that all the members of these groups — and not merely the leaders of such organizations as may be drawn from them — are aware of their special position in the power-structure. But the individual members of these groups simply do not realize that by concerted action with their fellows they have this kind of political power. Such "class consciousness," if it ever exists, does so only in the most unusual of circumstances. And these circumstances will probably be precisely the ones giving rise not to consent but to disaffection. Therefore the presence of consent cannot be demonstrated through the use of the concept of the constituent power.

There is still the possibility, however, that consent can be discovered in connection with the amending power, which is different from the constituent power. It might be argued that, although there is no specific act of consent, there is a specific absence-of-action which is equivalent to consent. The governed, through the amending process to the constitution, have at any time a specific opportunity to act in order to change their form of government; but they do not take advantage of this opportunity, and thus they perform an action equivalent to overt consent. This is a situation of the type in which a person is asked to dissent whenever he disapproves of what another is doing, rather than being asked to consent to an action by the other person. But the argument cannot demonstrate the existence of this indirect kind of overt consent, since the amending processes to the constitutions which underlie the most important representative governments, those of the United Kingdom, the United States, and the French Republic, are not completely in the hands of the electorate. National parliaments and organs of local government

have equal or even exclusive powers, and referring to the fact that these agencies are elected by the people merely reduces the argument to the one first examined and rejected, that consent occurs through the action of the majority of the voters. Furthermore, even if the power of amendment were given exclusively to the people, the majority-minority problem would still remain, assuming of course that the people are all aware of their ability thus to change the constitution and the form of government.

To my knowledge there have been no other attempted demonstrations of the existence of overt consent. The theories just considered all depend upon the institutions of the democratic state. This is not surprising since uncoerced elections and constitutions "popularly" amended are found only in the democratic state, and since few theorists would maintain that the governed are the constituent power in any other modern state. In other words, it is most unlikely that anyone would seriously propose that overt consent accompanies any other modern system of government. Since its existence under the representative system cannot be demonstrated, the reasonable conclusion is that it never occurs.

IV

When one turns from the attempt to discover consent in the behavior of groups to the attempt to discover it in the behavior of individuals, the arguments are seen to be equally unsatisfactory. Consent implies voluntariness and the association of almost every individual with the government which has control over him is clearly involuntary. The theory of overt consent, if it says anything, says that any given individual or group puts itself voluntarily under the control of a government; but the vast majority of people who are under the control of the most desirable government in existence were born into this condition. If an attempt is made to avoid this criticism by pointing out that the association is voluntary because any individual or group can withdraw from it and thus reject the mandatory nature of its control, the attempt will be unsuccessful.[12] For, although it is possible to emigrate voluntarily from many states and to choose a new state whose authority is to be accepted, simple withdrawal is not the central issue. An association is truly voluntary only when one can take himself beyond its control at any time whatsoever. After one has broken the rules, he can withdraw from clubs, lodges, political parties, labor-unions, and professional organizations without having to incur the punishment — which is of course the essence of control — always attached to breaches of authority. If under these circumstances the authority-breaker cannot escape the sanctions attached to rule-breaking, it is because the control of the voluntary association is supported by the control

[12] See William S. Livingston, "Emigration as a Theoretical Doctrine during the American Revolution," *The Journal of Politics*, XIX (1957), pp. 591–615, for a summary of the traditional views on withdrawal from governmental control.

of the government. From the control of the government there is no withdrawal when one has broken its rules, and therefore there can be no consent to governmental regulation on the part of the proportion of the population which has not consciously accepted this regulation by means of voluntary immigration.

In brief, there are two ways in which an individual can consent to the government's controlling — with the ultimate threat of the use of violence — certain aspects of his behavior. He can voluntarily put himself within the area controlled by this government, as do those who voluntarily immigrate and as the social-contract theory postulated for all the inhabitants. Or, given that he finds himself involuntarily subject to this control, he can at any time remove himself from its scope. The overwhelming majority of the inhabitants of any state find themselves in the latter condition, but at best they can withdraw from governmental control only when they are not subject to the sanctions which support this control. What keeps the individual lawbreaker under the control of the government is not his own intentions but the machinery of law-enforcement. This is the feature which distinguishes the control exercised by government from that exercised by other organizations or institutions which also control certain aspects of men's lives, and it is the feature which makes the former involuntary.

The conclusion that consent does not and cannot occur in conjunction with the association between the individual and his government means that the individual cannot exhibit "voluntary accordance with, or concurrence in, what is done or proposed by" the personnel of government acting in their official capacities. Any attempt to save the situation by distinguishing between "overt" consent and "tacit" consent must also fail, since the necessary voluntariness can no more be silent or implied than it can be public and observable.[13] If "the consent of the governed" is to be taken literally, neither the democratic state nor any other contemporary state can possess consent.[14]

V

In spite of the fact that consent does not occur, there clearly is some kind of concrete difference between governments, a difference which has customarily been attributed to the presence or absence of what has been called "consent." As I stated above, this usage of the word "consent" is not entirely misleading, and the problem is to discover what political phenomenon it

[13] No doubt the idea of consent through failure to emigrate is supposed to express the concept of tacit consent, although this identification is not always made explicit. Cf. Hume, *op. cit.*, p. 223.

[14] One often encounters the statement that a representative government is one in which authority is delegated by the people to their governors, and one dictionary definition for "representative" is "one who is duly authorized to act and speak for others." When this meaning is applied to governmental authority, the result is another version of the theory of consent.

most reasonably refers to. The most convenient way to begin is by eliminating some common explications.

The first of these is that consent[15] is the opposite of force. Its most simple form is that all governments can be located on a continuum the two poles of which are pure force and pure consent, although its supporters would probably maintain that no governments are in practice found at either extreme.[16] If this theory means that a government by consent has a low incidence of the utilization of force, then it is not descriptive of what seems to be the difference between consent and lack of consent. There have been, and perhaps there still are, governments which are very strict in their regulation of many details of their citizens' lives, and which nevertheless appear to have the consent of their citizens. Governments such as these are customarily called "paternalistic." In short, absence of restraint or coercion is not the same kind of thing as consent, and hence force in the sense of the presence of coercion cannot be treated as the incompatible opposite of consent.

A second variation of the contrast between consent and force says that governments may "rely upon" or "rest upon" one or the other of these two phenomena—or, more accurately, upon some combination of them in which one or the other predominates. In order to distinguish between those governments which are by the consent of their governed and those which are not, this theory depends upon differences in the motivations which prompt obedience to the regulations of government. All governments use force, but in certain states the people obey because they are afraid of the consequences of disobedience, while in other states their obedience does not depend upon such fear. The latter governments are by the consent of their governed and the former are not. However, consent cannot be identified with obedience not motivated by the fear of force, because the traditional concept of consent has a more specific connotation. "Consent" simply does not refer to any motive for obedience other than fear. The individual may obey merely because of habit, or because he has been told to obey by someone who has influence over him, or because he wishes to avoid the social opprobrium attached to the lawbreaker. Since none of these motives (nor any of various others which may determine obedience) is singly or in any combination what we have in mind when we think about the consent of the governed, consent cannot be explicated by contrasting it with the fear of force as a motive for obedience. Moreover, "consent," as it is ordinarily used, does not refer at all to any particular reason why men obey their governments, although attempts have been made to identify it with several of these reasons.

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[15] Henceforth in the essay the word "consent" will not be used in the literal sense of "voluntary concurrence in another's proposals or actions"; its meaning is to be determined. The best way to indicate this would be by placing the word always in quotation marks; but since their use would introduce an avoidable awkwardness, I have omitted them.

[16] For example, James Hogan, *Election and Representation* (Oxford: Blackwell, 1945), p. 119.

In order to identify consent with a kind of motivation for obeying the law, two conditions must be satisfied. First, the motivation in question must account for at least the larger part of the obedience given to a government ordinarily considered to be by the consent of its governed, and it must not account for the obedience to any government similarly considered not to be by consent. The governed's possession of this motivation must be necessary and sufficient for the presence of consent. The second condition is that the word "consent" must refer, at least roughly, to the presence of the given motivation; it must have a meaning similar to "the presence of such-and-such a motivation." However, theories of consent in terms of motivation meet neither of these conditions.

In this context motivation consists of the reasons why men obey the laws. It must be carefully noted that it is not the reasons why men accept the application of the government's authority to themselves, since this is the previously rejected theory of overt consent. It also must be remembered that the argument does not concern the reasons why men should obey, but rather those why they do as a matter of fact obey.

The most popular opinion is that consent is identical with the motivation for obedience which comes from the people's "need and desire for the power of the state to restrain themselves." Most laws will work and they can be enforced because most people want usually to keep them. They recognize that the laws are desirable, they realize that they themselves cannot always be trusted to act in accordance with the law, and they approve of the coercive element of the law as a check upon this tendency toward disobedience.[17] Motivation for obedience to the laws comes, that is to say, from the recognition by the governed that it will be to their immediate or eventual advantage to obey. One version of this theory puts emphasis upon the governed's appraisal of individual laws, while a second deals with their evaluation of the legal system as a whole.

Those who defend the identity of consent and this "rational" motivation usually attempt to strengthen their position by reference to governmental regulation of the most simple kind — for example, traffic control[18] — and to what can be considered as usual human reactions to this regulation. The very simplicity of the examples may be intended to support the argument that rational motivation for obedience is widespread; but, on the contrary, it actually weakens the argument. From the fact that only such examples readily come to mind the most reasonable inference is that only in areas such as maintaining peace and order will government get obedience based upon rational agreement.

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[17] See A. D. Lindsay, *The Modern Democratic State* (New York: Oxford University Press, 1947), I, 206. See also Leslie Lipson, *The Great Issues of Politics* (New York: Prentice-Hall, 1954), p. 57: "People want certain results from their government, and they are willing that their officials have the means of bringing those results to fruition."

[18] Lindsay, *loc. cit.*

If any great number of people are to obey laws like those which regulate traffic because they approve of the purposes behind such control, they must both understand and agree with the immediate and ultimate purposes of the regulation. In the case of traffic control, those who obey must desire order, expedition, and safety, and they must understand how the traffic department is attempting to realize these ends by means of requirements and prohibitions, while agreeing that the means have been properly chosen. It seems very unlikely that enough people understand even traffic control to warrant saying that the governed consent to laws regulating the speed and direction of vehicles. However, when other areas of law are brought into the argument, the probability that enough people rationally agree to governmental regulation to make applicable the phrase "government by the consent of the governed" becomes even smaller.[19]

The theorists of consent as rational motivation are unable to show that the government communicates to the governed the purposes for which it has designed each law and that the governed understand and agree with those purposes which are successfully communicated. The governed do not understand and thus they cannot agree to the purposes behind governmental regulation in the difficult and complex areas of economic, military, and foreign policy. Even less does any substantial segment of the governed comprehend the manner in which the government must try to solve these problems of modern governing. Under very simple conditions, perhaps both ends and means can be understood and agreed to, assuming that such simplicity is compatible with the existence of the necessary media of communication; but conditions, especially in the modern democratic state, are no longer simple.

The search for specific evidence for rational agreement under contemporary representative government immediately founders on the fact of electoral disagreement. And any evidence based on personal contacts with the governed suggests—according to the necessarily limited experience which I have had — that, with respect to the actions of government which touch upon matters familiar to them, the governed disapprove at least as often as they approve of both the intentions of government and the ways in which these intentions are being carried out. Allowing for the propensity of men to express more readily their discontents, there is still no reason to conclude that these complaints are exceptional or insincere; and there certainly is no reason for supposing that obedience ever is based primarily upon rational agreement.

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[19] It is recognized by defenders of this "rational" motivation that no government can operate without relying to some extent upon the fear of the punishment connected with the law as a motive for obedience. It is, of course, only the anarchist who denies this proposition. As a consequence, in the discussion of the several motivations supposed to serve as the consent of the governed, the existence of a certain amount of the fear of punishment will always be assumed.

The second version of this theory holds that consent is the motivation based upon rational approval of the government's ability to make regulations backed by the threat of force, rather than upon rational agreement with the purposes and methods of individual laws.[20] Obedience to a given law comes not from the citizen's agreement with the law but from his belief that his obedience is the best way to promote his own advantage, which he realizes may not be apparent to him in every case. Or he may believe that the government deserves support for the general function it is performing, although it may do specific things of which he disapproves. Or, finally, he may wish to do his part in preserving the government's ability to issue mandatory regulations. Each of these motivations for obedience is based upon the individual's agreement that the government's power of mandatory authority is "rational"; none of them can adequately account for obedience to governments ordinarily considered to be by the consent of their governed; and, if any one or combination of them happened to account for the obedience given to a government, this fact by itself would not justify attributing to the government the consent of its governed.

The kind of motivation for obedience described in the preceding paragraph occurs as the sole or primary reason for obedience only under special circumstances. The individual's belief that the government always acts to promote his interest is characteristic only of relatively primitive societies; more advanced societies distinguish between the authority of government and the successful use of that authority.[21] Regarding the belief that the government deserves support, a people might realize that the social, economic, and political conditions under which their government must operate give rise to problems which are handled as well as could be expected by this government; or they might recognize that no other type of government could as effectively avoid indigenous crises. Whether or not they are correct in this appraisal makes no difference; the important point is that only a very few people can be assumed sophisticated enough to approach their relationship with government in this way.

Another "rational" motive for approving the source of governmental directives might come from the realization by the governed that they have an interest in a strong and effective central agency of control. Circumstances

[20] See Lindsay, *loc. cit.* In this passage the author appears to say both that people desire compulsory regulation regarding specific matters which they understand, and that they desire "the power of the state" in general. Lipson, *loc. cit.*, speaks of "consent to the general body of law," a phrase which may have reference to the possession of force by the government rather than to any individual use of this force.

[21] See Max Weber's summary in *From Max Weber: Essays in Sociology*, translated and edited by H. H. Gerth and C. Wright Mills (New York: Oxford University Press, 1946), p. 249. Bierstedt, *op. cit.*, pp. 70–72, suggests that this attitude is not connected with the ordered relationships of authority but with the dominance-submission relationship of leadership. An early stage in the transition from leadership to authority would no doubt retain much of this belief in the ultimate success of those in authority, a success which would probably be required to prove itself periodically.

can be imagined under which the concentration of the means of physical violence in the hands of a single organization would not only justify governmental control but would also be passionately desired by a people weary of the dangers and uncertainties of anarchy. To be widespread, this motive must rely upon relatively recent and intense experiences of the lack of concentrated power;[22] and thus, although there may be a few people who are consistently Hobbesian in their fear of disorder, rational motivation of this kind cannot be the foundation for obedience to all governments judged to be by the consent of their governed.

The first condition for identifying consent with rational obedience to the law is that in any state the latter be both necessary and sufficient for the former. I have shown why this condition is not met. The second condition is that "consent" and "obedience because of rational motivation" must be, if not synonymous, at least very similar in meaning. The theory under consideration also fails to meet this condition.

Even if a government were recognized by its people as eminently successful, or as doing a good job under the circumstances, or as standing between them and things which they very much want to avoid, or as doing all of these at once, we would definitely not for this reason alone call it a "government by the consent of its governed." We mean by this phrase something more than a popular attitude of selfish calculation. Moreover, I believe that the democratic moralists who have persisted in maintaining that obedience to democratic government is motivated by rational agreement, either to specific laws or to the general function of the government, have succeeded only in strengthening the position of those who argue that "democracy is false." And the moralists who have thought that motivation based upon rational agreement is the most desirable kind of motivation, by consciously or unconsciously implying the desirability of an artificial solidarity, have been inconsistent with some of the most basic postulates of democratic ethics.

VI

The preceding argument implied that rational agreement with the purposes of the laws or of the whole legal system is not the primary motivation for political obedience. To show conclusively that consent is not a kind of motivation for obedience, let us examine the possible determinants of obedience, in nondemocratic as well as in democratic states. The best treatment of this difficult problem has been by R. M. MacIver.

After having considered some motivations for obedience — the recognition of the legitimacy of the source of the law, the belief in the rationality

[22] An example of a government which probably relies to a great extent upon this kind of motivation is General Franco's government in Spain. Observers of Spanish politics usually report that few like Franco's government but that even fewer are willing to risk the chance of another civil war by refusing to obey this government.

of its contents, the feeling of obligation to the state, the fear of the sanctions involved in disobedience, the desire not to incur the obloquy of the law-breaker, and the influence of self-interest, personal convenience, and inertia — MacIver concludes that, despite the involvement of all these motivations in obedience, they are not sufficient to explain it. To them must be added the fact that "law-abidingness is a habit" which is "responsive to the totality of social conditions"; "law-abidingness is the pragmatic condition of and response to the whole firmament of social order." "All the ties that hold men together in any society, all the needs and all the hopes that depend on their society for realization, prompt them to law-abidingness." [22]

The hypothesis that men usually obey most of the laws because of a habit which cannot be separated from their "socialness" is inconsistent with any theory of consent in terms of motivation. If habit is the basic motivation for the obedience of all men, then a government which is by the consent of the governed cannot be distinguished from one which is not. However, if there are exceptions to this generalization and the citizens of some states do not obey because of habit, consent may well be correlated with this habit and the lack of consent with the absence of it. But the correlation cannot be one of identity. In the language of political theory the word "consent" surely suggests something more than being motivated to obedience by one's ties with his society.

Although consent is not a motivation for obeying the laws, MacIver's hypothesis that habit provides the primary motivation for obedience provides a clue to its nature. When an individual is motivated by habit to perform an action, he is stimulated to act without giving thought to the reasons why he is so acting. The central phenomenon in this situation is clearly the stimulus which evokes the habitual response. Most men, and especially those in democratic societies, habitually follow only orders to which there is attached a symbol of governmental authority. Although some men may be so conscious of their dependence upon the regularized patterns of activity which constitute social order that they will obey any regulations, most men probably distinguish between commands and authoritative commands. It is very difficult to determine upon just what basis they make this distinction, but one of the most important may well be their belief that the government has a unique right to tell them what to do. As MacIver says, this belief in the government's right to command is not a principal reason for obedience to the laws under a government by the consent of its governed, but it seems to me to provide the key to understanding the phenomenon of consent.

I have argued that the word "consent" can refer neither to the opposite of force, nor to the absence of the fear of force, nor to any special kind of motivation for obedience to the laws. When the political theorists use the

[22] R. M. MacIver, *The Web of Government* (New York: Macmillan, 1947), pp. 76–77.

phrase "government by the consent of the governed" in sentences which appear to convey a significant meaning, they may have in mind an attitude taken by the people toward the government. This attitude by its presence makes the government by consent and by its absence makes the government not by consent; it may be a reason why the laws are obeyed, but it is probably not a primary reason. If this attitude is identified with the people's belief that their government has a right to receive obedience to its laws and a right to use force to help stimulate obedience, then it is found in conjunction with governments which would be considered by consent and it does not accompany those normally judged not to have the consent of their governed. The main difficulty in this approach is whether "consent" means something similar to "a belief in the right of government to govern."

Let us call a government "legitimate" when, under conditions of stability, most of the politically conscious believe that it has this right to rule them, whether or not they happen to be very law-abiding and no matter what motives may be behind their obedience. This legitimacy can occur under any pattern of power serving as the foundation for the government. The masses may be almost completely powerless, as under traditional monarchy or aristocracy, and still believe in the right of the monarch or the aristocrats to order their lives; thus the consenters are not identical with the constituent power. Furthermore, the consenters need not profit from being under the control of their government; many people have been exploited by those whom they believed to be their rightful rulers.

The right to rule which the government is believed to possess is a moral right. The people believe they have a moral obligation to obey the government, even though they do not always obey it, and even though fear may motivate many of their acts of obedience. It seems clear that a government which was believed by its people to have a nonmoral claim to rule, based for example upon considerations of rationality or expediency, would not be thought, by political theorists and by enlightened common sense, to possess the consent of its governed.[24] With this description of legitimacy in mind, one can see how it can be called "consent," or better "tacit consent," without too great a violation of customary usage. The belief in the moral right of the government to rule may be described as the most important reason why the people would consent to be under the government's authority, if they had

[24] Spain under Franco can again serve as an example. Even Franco's supporters, the army, the church, the Falange, and the aristocracy, although they accept his position of authority, do not believe he has any moral right to this authority; and the masses, as stated above, probably more or less heartily concur, although they may well agree that the stability he provides justifies his rule. This lack of a moral right makes Franco a ruler without the consent of his governed. Another type of situation useful as an illustration can occur in a country under "occupation" by another country which has vanquished it in a war. The defeated people may well consider the victor to have a right to rule, on the grounds of expediency of one kind or another, but they may also fail to consent to its rule.

the opportunity to give voluntary accordance. This is the reason why I used the expression "hypothetical consent" at the beginning of this essay.[25] If the average man believed governmental control to be convenient, he might voluntarily agree to come under that control; if he believed it to be morally good, he very probably would overtly consent to it. Evidence for this supposition must come from interviews with people already subject to the government's authority, because foreigners who immigrate are probably motivated primarily by considerations of expediency and they have not been subject to the educational processes of their new society.

The concept of consent has been a part of political theory for many centuries, despite its vagueness and despite the failure met by most attempts to explain it. I have shown why these attempts have been unsuccessful, and I have offered an explanation which appears to be more satisfactory. Either "consent" refers to a widespread popular belief in the government's moral right to rule, or it has no meaning. However, I believe that it is meaningful; and, if the identification of consent and legitimacy has not discovered this meaning, I am unaware of any preferable alternative.[26]

VII

It has been said that all social relationships are viewed by men in the light of various "value-impregnated beliefs and notions" which determine, shape, and explain these relationships.[27] To his position in the family, the neighborhood, the nation, the world, and the universe, man attaches value-interpretations, which have been given the name "myths." A special type of myth is associated with political relationships,[28] and one of the most important of these is that between an individual and his government. Myths attached to this relationship are expressed as reasons why the government has the moral right to issue regulations backed by force. In all societies they are propagated by both official and unofficial agencies, by the government on the one hand, and on the other by philosophers, poets, journalists, clergymen, and social scientists. They purport to describe how the system of governmental authority is directly related to the most important of the other "value-impregnated beliefs and notions" which manifest themselves throughout the whole society. The appearance of these myths in the traditions of a people is the primary evidence that governmental legitimacy is a phenomenon of

[25] It is interesting to notice that Hume uses the word "consent" in this manner. The people "consent, because they think, that, from long possession, [the prince] has acquired a title . . . ," *op. cit.*, p. 221; and, "They consent; because they apprehend [the prince] to be already by birth, their lawful sovereign," *op. cit.*, p. 225.

[26] A government is legitimate when its people believe it has a moral right to govern. A government is authoritative when the governed accept for any reason their positions of subordination. Legitimacy is thus a special kind of authority.

[27] MacIver, *The Web of Government*, pp. 4, 447–48.

[28] Cf. William Y. Elliott and Neil A. McDonald, *Western Political Heritage* (New York: Prentice-Hall, 1949), p. 7.

almost universal occurrence. Under representative government, under the several varieties of dictatorship, under the few remaining traditional monarchies, and to some extent even under modern totalitarianism, one finds these moral reasons why people should submit to the authority of their government.

Although all men have a strong tendency to create and to believe in myths of governmental legitimacy, sometimes, for various reasons, they are unable to create such myths or they are unwilling to accept those created for them. Under these circumstances a government will not have the consent of its governed. The relationships between the content of the myths and the general nature of the society within which they occur determine the presence of consent. The more the myths conform to and are outgrowths of the general experiences, histories, traditions, expectations, and values of all the politically significant subgroupings of the population, the more probable it is that belief in the myths will be both widespread and firmly held. In addition to this general principle of differentiation between consent and the absence of consent, there are certain objective conditions which indicate the strength of the belief in the government's moral right to rule. Some of these are: the frequency and intensity of revolts on the part of classes or areas against the government; the frequency and severity of punitive measures taken by the government for political reasons;[29] the number and intensity of the sacrifices which the population is willing to make when their necessity is obvious only to the government; the degree to which the people support the government when the latter is unusually unsuccessful in meeting its problems, such as those arising from a war; the amount of politically inspired defections from the rule of the government; and the readiness with which a population resubmits itself to a government which has returned after having for some reason been deposed. Others could no doubt be thought of.

VIII

It can now be seen that the democratic state has no monopoly of the consent of the governed. The theories which attempt to establish this monopoly have been rejected, because the aspects of representative government upon which they rest, while unique, cannot properly be called "consent." Since it is thus impossible to use the occurrence of consent to distinguish between democratic and nondemocratic governments, one of the problems set forth at the beginning of the essay is resolved.

While the governed's belief that their government has a moral right to rule is not a sufficient condition of representative government, it is clearly a

[29] Neither a high rate of crime nor severe penalties for breaking the law are evidence for a comparative absence of legitimacy, since the causes of both are not disaffection with the government but objective social conditions, like an increase in mobility and a decrease in the cohesiveness of the family, and prevailing mores, like the acceptance of torture as a proper mode of punishment.

necessary condition. Legitimacy exists when (and only when) the form of government and the political myths which accompany it are consonant with the experiences, history, tradition, expectations, and values of the society within which they occur. Representative government, as indicated in section III, is so sensitive to the attitudes of its governed that it simply cannot persist in a social and economic environment inconsistent with the special myths which justify it. Representative government can tolerate no more than a sprinkling of disaffected classes or areas. Among modern democratic states, only France has experienced a serious lack of belief in the government's right to rule. Nevertheless, save for a few confirmed authoritarians of the right and left extremes, the overwhelming proportion of the French people support the "Republic."

Even though the democratic state possesses no monopoly of consent, there may still be — as some writers have believed — more consent under representative government than under any other government. It is impossible to make a precise determination of the proportion of the governed who consent to any government, but some tentative estimates can be suggested. Representative government allows the largest proportion of the population to participate in political decision-making, and it has the largest proportion of social classes as elements of its constituent power.[30] These features suggest that of all states the democratic state requires the largest part of its population to consent. But stable, well-established monarchies and aristocracies, although they do not require such widespread consent, have been considered legitimate by large proportions of their subjects, and modern dictators have also had some success in legitimizing their rule through the use of direct appeals to the masses. Nevertheless, monarchy and aristocracy seem to be obsolescent, and plebiscitary dictatorship appears at best transient. In view of the political awakening of the masses, it might be concluded that a form of government which institutionalizes their participation in government by allowing them to make an uncoerced and thus a more or less satisfying choice among alternative candidates for governmental offices will be the most successful in the long run in retaining their loyalty.

[30] One of the ways in which the people participate is, naturally, by voting in the uncoerced elections. This act is one of the several which in conjunction give us reason to suppose that the voters would overtly consent if we were able to put the question to them. See the statement of this at the end of section II.

A NOTE ON POLITICAL MOTIVATION

JAMES C. DAVIES
California Institute of Technology

WHEN ARISTOTLE described man as *zoön politikon* he did not quite mean what we do by the term "political animal." His phrase can be more accurately rendered as social animal with occasional political interests. To the discomfiture of all political scientists and of perhaps most politicians in democracies, the need for involvement in politics is not really basic to the overwhelming majority of people. Participation for them is not an inherently satisfying experience but rather an activity in which they engage to insure their basic security in such things as food, clothing, shelter, health, and physical safety from intra- or international violence or to give them a sense of belonging to some social group other than family, church, union, or fraternal lodge. For most people politics is quite purely instrumental.

This assertion as to the largely apolitical — though not asocial — characteristic of the general public is based on several factors. For one thing, most people do in fact seem to turn their attention to politics when they get a little unsure about being able to pay for the next meal, the next pair of pants, or the winter fuel supply — or when they fear domestic insurrection or war which threatens them or their kin. For another, relatively few people seem to get concerned with politics even when tyranny threatens them with arbitrary government, perhaps because tyranny seldom, if ever, seeks to gain or maintain control on any platform other than full employment, full stomachs, and protection from all enemies foreign and domestic. Again, it seems evident that most of the relatively few who do get concerned with tyranny that threatens individual autonomy do so in consequence of some event which threatens their own individual security or which tends to ostracize them from their normal group relations in the broadest sense. (Generally it is the scientist, engineer, or other employee ousted from his job as a security risk — or the individual who becomes a social pariah when stigmatized as a foreigner or Communist — who develops an unusual degree of political involvement.) And lastly, most of those who are political leaders are much above average in income and social integration: for them, the needs for physical security and a sense of social belonging are quite well satisfied.

If it sounds alarming to suggest what appears to be a selfish, inhuman, stomach-and-herd motivation pattern for the politics of most people, we need only consider the dismal alternative of the entire general public taking part in politics in order to determine by democratic majorities who should go into which occupations, what religion should be the legal one, and the maximum or minimum number of hours that must be spent daily in watching television. How then would we dispose of the wretched apolitical deviant

who worked, worshipped, and relaxed contrary to law? It seems realistic to assume that most people ordinarily participate politically for the rather elemental purposes of security and a sense of belonging, but so little is known about the proportion for whom this is so, that a major task in participation research is quantifying this supposedly valid statement of general fact.

Although most people are apolitical most of the time, the large majority of people do at election time consider politics to be relevant to their self-interest in security and social belonging. The overwhelming majority do not relate to politics their interest in those activities which are pursued for inherent satisfaction — activities engaged in for their own sake, in the pursuit of happiness. The patterns of individual self-realization are so varied that the groups seeing political and governmental action as related thereto may become so small as to be politically impotent or inactive. The person interested in recreational fishing will vote against a ballot proposition designed to open more fishing areas to commercial operation. As a fisherman, he may not be expected to have any political attitude on whether or not freedom of intellectual inquiry and expression should be restricted by sanctions against unorthodoxy. The businessman politically concerned with maximizing his freedom of action in economic matters may not be expected as a businessman to get aroused against investigations of teachers who are accused of devious indoctrination. There need be no surprise at the workingman who is secure on his job and who shows no spontaneous agitation at the fact that his union boss may have to sign a loyalty oath in order to hold his job. Only if the fisherman, businessman, or workingman is required to attest his own loyalty in order to engage in his chosen activity may he be expected to form a political opinion and engage in political action for or against oaths. If taking such action threatens his security or threatens isolation from social groups with which he identifies, he very likely will not act.

If these speculations are reasonable, they indicate limits to the amount of political action which individuals will take to prevent action by their governments. They may be expected to get aroused when state action threatens realization of their particular individual or group values. To expect more is to assume a measure of involvement and of perspicacity and far-sightedness that is not the endowment of ordinary mortals, including most intellectuals. The implication of this is that the achievement and preservation of political institutions which maximize the opportunities for individual self-realization are a responsibility of relatively small groups influencing the action of public officials, each of which groups may be expected to engage in action designed to gain or maintain freedom from governmental interference for the group alone. In this sense, "free" as distinguished from "popularly responsible" government is the product of conflict between pairs of small groups — teachers vs. school boards; editors, writers, clergymen, and (paradoxically) government workers as individuals or as group members vs. congressional commit-

tees; and Jehovah's Witnesses vs. local police departments — as much if not more so than free government is the consequence of political participation by the general public.

There is one sense in which perhaps the large majority of people do relate their political participation to self-realization. On any comparative basis it is clear that the standard of living in the industrialized Western world is high and that people, by and large, are relatively secure in what they have. Yet they want more, and sometimes seek more through their government. The relatively poor Frenchman who seeks a higher housing subsidy, the similar American who votes for the candidate who advocates a higher minimum wage or shorter hours, and any citizen who votes for a candidate who promises a reduction in personal income taxes are all well-off when compared with the unindustrialized, poor, and politically inactive Persian or Arabian.

In these situations, the motivation appears to be related indirectly to the need for self-realization, in the sense that they want a better living standard and more security generally: not for the inherent satisfaction of better quality food or steadier retirement income but in order to be able to buy a (newer) car, take a trip (or a longer one than they did last year), get a new fishing rod, or replace the table radio with a high-fidelity instrument on which they can enjoy fine music. Their political activity ostensibly has the same purpose as that of the insecure. They seek many of the same things that are sought by the insecure (minimum wage and maximum hours legislation, lower taxes, etc.). Yet in wanting more, one ultimate motivation appears to be a demand that government provide the conditions under which they may pursue a line of activity which is related not to security but to self-realization — to fishing rather than to fish or other food.

The relation between politics and self-realization is regarded as largely negative for the large majority of people not just in America, with its ideological adherence to the principle of laissez faire, but in other industrial countries as well. People do agitate politically for legislation that will provide them not only security but also the time and money to pursue inherently satisfying activity. But they pursue this goal in nonpolitical ways. They look to government to provide the ground rules and sometimes the machinery, but they get their increase usually by negotiating directly for higher wages, shorter hours, etc., with employers. Or they get their increase by becoming skilled scientists, engineers, lawyers, doctors, or by a business venture.

They may turn to government to settle labor-management disputes by mediation, adjudication, or violent force. They may turn to government for a state law school or a veterans' education subsidy. But the actual getting process is most of the time for most people a matter of interaction between individuals and private groups, or between different private groups, rather than between these two categories and the government. It is still ordinarily

only when people feel insecure in the provision of food, clothing, shelter, health, and safety — when they fear arbitrary dismissal from a job, when private economic enterprise is unstable or breaks down, or when war threatens — that they turn to government.

There remains for consideration the hypothetical 1 or 2 per cent of the general public — precinct workers, elected office holders, and so on — for whom political participation is not readily explicable primarily in terms of the needs for security and the sense of belonging. Although this category of people is proportionally very small — as a guess, perhaps one or two million out of an adult population of a hundred million in the United States — their significance is great because they are the exceptionally active individuals and almost by definition the leaders in politics.

It would be possible to explain their extraordinary political involvement as being only quantitatively different from that of the great majority if it were evident that the exceptional individuals differ from the average only in the greater intensity with which they feel the necessity of being secure in food, clothing, shelter, health, and safety, and of being accepted and loved by the groups to which they belong. In the University of Michigan Survey Research Center's study of the 1952 election there is evidence that tends to validate the paradox that those who are most active in politics are not those who by an objective judgment are most in need of more security and a greater sense of belongingness. People with the highest incomes, the most intricately skilled occupations, and the most education almost without exception are the ones who vote most regularly and frequently and who express the belief that voting is worth the trouble and that they have an obligation as citizens to do so. Similarly, the opposites of these people — the ones with least income, skill, and education generally vote the least and care about it the least.[1] It is, also, now rather clearly evident that elected public officials, ranging from President to governors to congressmen to state legislators, much more often than not are among the wealthiest, most highly skilled, and highly educated people in the society.[2] Why do proportionally more of them become very active politically?

Lasswell's early study of agitators and administrators as political personality types[3] was a pioneering effort in analysis of the motivation for political elites. One limitation of the analysis, however, is that describing motivation for politics as the displacement of private aggressions on public objects

[1] A. Campbell, G. Gurin and W. E. Miller, *The Voter Decides* (Evanston: Row, Peterson, 1954), pp. 70–73, Table 5.1, "Relation of Demographic Characteristics to Presidential Preference in 1948 and 1952 Elections," and pp. 187–99, Appendices A and B, "Sense of Political Efficacy" and "Sense of Citizen Duty."

[2] See D. R. Matthews, *The Social Background of Political Decision Makers* (Garden City: Doubleday, 1954), p. 23 (Table 1), p. 29 (Table 6), and p. 30 (Table 7), on the socio-economic status of politicians in America, and pp. 42–55 on the same for politicians in England, Germany, and the Soviet Union.

[3] H. D. Lasswell, *Psychopathology and Politics* (Chicago: University of Chicago Press, 1930).

or as the extraordinary need for deference or as the urge for power does little to distinguish politicians from others or to compare them with one another. Can it not with equal validity be claimed that Karl Marx displaced aggressions on public objects, that movie actresses have an extraordinary need for deference, and that Nicholas Biddle enjoyed power? And cannot wide differences be seen between the relatively serene personal background of Jefferson and the turbulent one of Jackson? Do they both equally have private aggressions, the former suppressing them or giving vent to them quietly while the latter differed only in the volume of noise he made? Did John Quincy Adams and Theodore Roosevelt equally share the desire for public deference? Did Woodrow Wilson and Warren Harding equally share the desire for power?

The extraordinary heterogeneity of political types and the analytically appalling complexity of the character of individual politicians like Peter the Great, Stalin, Jackson, Lincoln, Gladstone, Churchill, Bismarck, Hitler, Pétain, and Mendès-France tempt one to the occasionally voiced statement that there is no common set of factors characterizing people of extraordinary political activity. This is an easy and plausible generalization which contains a disturbing amount of truth. Both the politician, because of his subjective image of himself, and the biographer, because of his intimate involvement with the politician, are likely to encourage this impression of uniqueness.

There are large environmental influences on those people which made it incredible to imagine the often cruel techniques of Peter the Great being employed in early nineteenth-century America, or Jefferson successful in establishing parliamentary government in Imperial Russia a hundred years earlier. But the striking individuality of some political leaders makes it hard to imagine Germany being unified quite in the way it was without the particular personality of Bismarck, or to envision the temporary defeat of divisive forces within the American union in the 1830's without the unique figure of Andrew Jackson, who, perhaps in a style different from Peter the Great, offered to hang as high as Haman the leaders of a group that descended on Washington to demand restoration of government funds to the Bank of the United States. In a sense it seems to be true that the political events of a particular period are a unique and never repetitive consequence of the interaction of a vast array of forces that include among other things individual political leaders, who in turn are personally shaped by almost as vast an array.

Many motivations for intense political participation do appear to be individual yet causally plausible. One person may be a precinct worker because he feels a particular loyalty to the candidate for whom he is working. Another such worker may distribute campaign literature because he wants to learn the game of precinct politics so that he can more effectively run for office himself. Still another may do so because he is compensating for guilt feelings induced by the shadow of his father who was a corrupt political boss.

Still another may feel that the particular political issues involved demand his active participation, even though he is cool toward the candidate, has no ambition to hold office, and his father is a universally respected member of the city council. Some or all of these individuals may also be partly motivated by a strong desire to be of public service.

Along this path of motivational investigation lies madness. Categories of motivation could be abstracted and classified in a manner that would be either meaninglessly simple and general or so complex as to addle the latest electronic computer. This is not to say that such idiosyncratic motivations are not a real part of the complex of causes for intense political activity in a particular individual. But they are so numerous, different, and likely to be so intertwined as to defy any kind of quantitative analysis.

The only factor which appears to be a reasonable postulate for common motivation of intense political participation by the 1 or 2 per cent is the need for self-realization. Its manifestations, political or nonpolitical, are as varied as the number of human beings on earth and are only rarely political. Its characteristic is that it is activity in which the individual happily loses himself — gets so absorbed that, at certain times and in some situations, he is able to forget himself in the performance of activity which he enjoys primarily for its own sake and not primarily because he can give socially acceptable vent to his aggressions, gain great deference, or bend people to his will. The choice of this activity may be conscious or unconscious, intentional or accidental, made by the individual himself or perhaps even for the individual by others. It is inseparable from competence, because a person cannot develop his potentialities in activity in which he is regularly a failure, and from energy level, both of which are conceptually though not behaviorally separable from motivation. Consequently some people who have competence for physical sport and a low energy level may get great inherent satisfaction out of watching a ball game on television. Others may love music, be tone-deaf, and have a high energy level — all of which lead them to sponsor and subsidize a local symphony. Others get their greatest inherent satisfaction from politics, ending up as precinct workers, state legislators, constitutional heads of state, or dictators.

There might be a temptation to regard the need for self-realization as a residual category, used to explain political activity when there is inadequate evidence that an individual is participating because of the needs for security or a place in the group. This is unsound procedure because it makes the need for self-development either a card catalog of phenomenal, overtly expressed needs like the compensation for a corrupt father or the desire to do a favor for an old friend; or else a very empty void. Evidence for political manifestations of the need for self-realization should be found by determining what it is that an individual likes to do best after his elemental needs for food, shelter, etc., are reasonably well met. It is not just a matter of hobbies,

because many individuals are basically happy with their work, whether it be as machinist, business administrator, or full-time professional politician. For a substantial majority of people, politics does probably have some inherent interest; for example, during a political campaign or crisis. But for those few who do participate intensely in politics, the most reasonable, common, fundamental, and basically organic factor appears to be the inherent and profound pleasure which, for them, the game of statecraft contains.

We need not be misled by the statements of politicians that they really want to go back to the farm or edit a newspaper. If this is what they wanted more than politics, they would indeed have become farmers and editors. Charles V of the Holy Roman Empire became the equivalent after some thirty-seven years of power; Edward VIII of England after only eleven months. Most politicians prefer to die in harness or at least to serve out their full constitutional terms. There are few if any occupations, at least in our era, that give an individual a more abundant chance to realize his fullest potentialities for good or evil than politics. And it is to politics that highly ambitious people turn in the twentieth century, as such people turned to the Catholic Church in the Middle Ages and to the business world in late nineteenth-century America.

LEADERSHIP IN THE HOUSE OF REPRESENTATIVES

GEORGE B. GALLOWAY
Legislative Reference Service, Library of Congress

IN ORDER TO PERFORM its functions a legislative body must have some kind of a system of leadership. The House of Representatives has long had two types of formal leaders: (1) the "elective" leaders, including the Speaker and the majority and minority floor leaders; and (2) the "seniority" leaders, including the chairmen and ranking minority members of the standing committees.

During the first twenty years of congressional history the Speakers were mere figureheads. They presided over the House, to be sure, but actual legislative leadership and control were exercised by the Executive with the aid of trusted floor lieutenants, especially during the Jeffersonian regime. Harlow gives a lucid description of the system of executive control of the legislative process as it operated in that early period.

> It is evident that both in methods and in effectiveness the Republican legislative machine differed little from that evolved by the severely criticized Federalists. The president and his Secretary of the Treasury were responsible for the main outlines, and in some cases for the details as well, of party measures. Policies were evolved, programs laid before Congress, and bills passed, all under the watchful eye of the chief executive. Jefferson was so successful that he was called a tyrant, but his methods were more like those of the Tudor kings than of the Italian despots. Everything that he did had to be done through Congress. Congress to be sure was usually ready to follow Jefferson's lead, but the compliance of that body was due to nothing else than the constant and never ending vigilance of Jefferson and Gallatin.
>
> In one important particular Jefferson improved upon Federalist legislative methods. Hamilton had his followers in Congress, and there was usually some one leader of prominence in charge of the party forces, but this floor leader was not looked upon as the personal representative of the president himself. He was rather an assistant to the Speaker. From 1801 to 1808 the floor leader was distinctly the lieutenant of the executive. William B. Giles, who was actually referred to as "the premier, or prime minister," Cæsar A. Rodney, John Randolph of Roanoke, and Wilson Cary Nicolas all held that honorable position at one time or another. It was their duty to look after party interests in the House, and in particular to carry out the commands of the president. The status of these men was different from that of the floor leader of today, who is given his position because of long service in the House. They were presidential agents, appointed by the executive, and dismissed at his pleasure. . . .[1]

Thus, in the beginning, "leadership was neither the prerogative of seniority nor a privilege conferred by the House; it was distinctly the gift of the president." During the Jeffersonian period the President kept a recognized leader in the House in order to see that members "voted right." Party caucus and House floor leader took their orders from the White House. "The infallibility of Jefferson in the political field was like unto that of the pope in the spiritual, and denial of his inspiration was heresy, punishable by political death. Good Republicans such as John Randolph, for instance, who insisted upon the right of independent judgment, were promptly read out of the

[1] Ralph V. Harlow, *The History of Legislative Methods in the Period Before 1825* (New Haven: Yale University Press, 1917), pp. 176–77.

party. It seemed a far cry to democracy when the President insisted upon doing the thinking for Congress and regulating the actions of its members." [2]

After Jefferson's retirement the balance of power shifted from the President to Congress. Several factors contributed to this transfer: the weakness and political incompetence of President Madison, a rebellion in the House against executive control, factional fights within the Cabinet, and the appearance on the legislative scene of the "war hawks" of 1812—that famous group of young and energetic men, including Calhoun and Clay, who became the new Speaker. It took some time for Henry Clay and his followers to restore party unity and recover control of the administration, but by the end of the second war with England they had succeeded in erecting a new system, based on the party caucus, in which legislative leadership was now the prerogative of a group of prominent men in the House of Representatives. No longer subject and submissive to the dictates of a strong President, Congress developed its own internal leadership structure. Under Henry Clay the speakership emerged as an office of greatly enhanced power and prestige. Merely chairman of the House and subordinate in actual influence to the floor leader during the Jeffersonian regime, the Speaker now became both presiding officer and leader of the majority party in the chamber. Meanwhile, the development of the standing committee system in 1816 and afterwards, with the appointment of their chairmen by the Speaker, completed the transformation. "Thus, by 1825," as Harlow observes, "so far as its organization was concerned, the House of Representatives had assumed its present form." [3]

With the evolution of the committee system during the nineteenth century, and with the gradual delegation of functions by the House to these "little legislatures," their chieftains acquired enlarged powers and enhanced importance as leaders in the legislative process. The chairmanships of the great committees called for steering qualities of a high order. Those who demonstrated the most skillful generalship in the arts of floor management were promoted by the Speaker from one committee headship to another, gradually rising in the committee hierarchy to preside over Appropriations and Ways and Means, the most prized posts next to the speakership in the leadership structure of the House.

Thus, as the nineteenth century advanced, the leadership of the House came to be divided among the chairmen of its standing committees. The more numerous the committees and subcommittees, the more was leadership diffused. By 1885 Woodrow Wilson reported that "the House has as many leaders as there are subjects of legislation; for there are as many standing committees as there are classes of legislation. . . . The chairmen of the standing committees do not constitute a co-operative body like a ministry. They

[2] *Ibid.*, p. 192.
[3] *Ibid.*, p. 208.

do not consult and concur in the adoption of homogeneous and mutually helpful measures; there is no thought of acting in concert. Each committee goes its own way at its own pace." [4]

Diffusion is still the characteristic feature of leadership in Congress. In practice, Congress functions not as a unified institution, but as a collection of autonomous committees that seldom act in unison. The system of autonomous committees and the selection of committee chairmen on the basis of seniority militate against the development of centralized legislative leadership and the adoption of a coherent legislative program. The function of leadership was dispersed in 1955 among the chairmen of more than 230 committees of all types in both houses: standing, special, joint, and subcommittees. Party caucuses or conferences are occasionally held to determine the party stand on legislative issues, but they are not binding. And party responsibility for policy-making is weakened by the operation of the seniority system.

Formally, the existence in the House of Representatives of 20 standing committee chairmen, plus the various political committees and elective leaders, gives an appearance of widespread diffusion of leadership functions in the first chamber. But, in practice, leadership in the House is more effectively centralized in the Speaker, the Rules Committee, and the floor leaders than in their senatorial counterparts. Several factors contribute to this result. These include the powers, prestige, and personal influence of the Speaker; the stricter rules of the House; the tighter organization of its business and debates; and the greater discipline of its members. The larger size of the House and the shorter term of office of representatives also combine to reduce the members' comparative independence.

The Office of the Speaker

In the American system of government the speakership of the national legislature is rated as the second most powerful office in the land. Only the presidency stands higher in the political hierarchy.

The Constitution says that: "The House of Representatives shall choose their Speaker and other officers," but remains silent upon his status and functions. Historians regard him as a direct descendant of the Speaker in the colonial Assemblies. Asher C. Hinds, former parliamentarian of the House, held that the Constitution did not create the Speaker, but merely adopted an existing officer. His office is thus a colonial heritage whose importance and influence have varied down through the passing years, depending upon the personal force of the incumbents.

Selection and qualifications

We do not know what the intent of the founding fathers was with respect to the Speaker. They did not say whether he must be a member of the

[4] Woodrow Wilson, *Congressional Government* (Boston: Houghton Mifflin, 1885), pp. 60–61.

House, although he always has been. Nor did the framers say how he should be selected. At first he was elected by ballot, but since 1839 he has been chosen by voice vote, on a roll call. In 1809 it was held that the Speaker should be elected by a majority of all present, and in 1879 that he might be elected by a majority of those present, if a quorum.

In fact there is a discrepancy between the law and the practice in the choice of the Speaker. For in actual practice the Speaker is really chosen by the caucus of the majority party in the House whose choice is then ratified by the House itself. On the eve of the meeting of each new Congress the congressional parties hold caucuses or conferences at which they nominate their respective candidates for the elective offices in the House. On rare occasions there is a lively contest for the nomination for the speakership. On the eve of the Sixty-sixth Congress, for example, a spirited campaign was waged between Mr. Gillett of Massachusetts and Mr. Mann of Illinois. Gillett won. The contest is keenest in the caucus of the majority party because its nomination is equivalent to election in the House.

In nominating their candidates for the speakership the congressional parties usually lay stress on length of congressional service, among other factors. Long legislative experience is a criterion that seems to carry more weight in the twentieth century than it did in the nineteenth. Before 1896 the average length of congressional service before election to the Chair was seven years. Henry Clay of Kentucky and William Pennington of New Jersey were elected to the speakership on their first appearance in the House, something that would never happen in our time. Since 1896, however, the average length of service of Speakers has been about three times as long as before. "Uncle Joe" Cannon was elevated to the Chair in his thirty-first year in the House of Representatives. Champ Clark was chosen in his sixteenth year of service, Gillett in his twenty-seventh, Longworth in his twenty-first, and the present Speaker, Sam Rayburn, at the time of his first election was in his twenty-eighth year in the House.

Aside from long congressional service, the modern Speakers are men who have won the confidence and esteem not only of their own party, but also of the general membership of the House. They have usually served as chairmen of important committees of the House or as floor leaders. Thus, Speaker Rayburn was long chairman of the Committee on Interstate and Foreign Commerce and later was the Democratic floor leader.

It has been a long-standing custom of the House to re-elect a Speaker to that office as long as his party remains in control of the House and he retains his seat. Both Speaker Cannon and Speaker Clark were re-elected consecutively for four terms, until a change of party control took place. Mr. Rayburn was elected Speaker on September 16, 1940, and is now (1959) serving his eighth term, having held the office longer than any predecessor in the Chair.

Powers and duties

The Speaker of the House derives his powers and duties from the Constitution, the rules of the House, previous decisions of the Chair, and general parliamentary law. He presides at the sessions of the House, announces the order of business, puts questions, and reports the vote. He also decides points of order and can prevent dilatory tactics, thanks to the earlier rulings of Speaker Reed. He appoints the chairman of the Committee of the Whole and the members of select and conference committees. He chooses Speakers pro tem and refers bills and reports to the appropriate committees and calendars. He also enjoys the privileges of an ordinary member of the House, and may vote and participate in debate on the floor.

When Henry Clay took the Chair as Speaker on December 1, 1823, he described the duties of the office in terms that are still apropos today.

> They enjoin promptitude and impartiality in deciding the various questions of order as they arise; firmness and dignity in his deportment toward the House; patience, good temper, and courtesy towards the individual Members, and the best arrangement and distribution of the talent of the House, in its numerous sub-divisions, for the dispatch of the public business, and the fair exhibition of every subject presented for consideration. They especially require of him, in those moments of agitation from which no deliberative assembly is always entirely exempt, to remain cool and unshaken amidst all the storms of debate, carefully guarding the preservation of the permanent laws and rules of the House from being sacrificed to temporary passions, prejudices, or interests.

A triple personality

In contrast to his English counterpart, the Speaker of our House is a triple personality, being a member of the House, its presiding officer, and leader of the majority party in the chamber. As a member of the House he has the right to cast his vote on all questions, unlike the Vice President, who has no vote except in case of a tie. Usually, the Speaker does not exercise his right to vote except to break a tie or when he desires to make known how he stands on a measure. As a member, he also has the right to leave the Chair and participate in debate on the House floor as the elected representative of his district, unlike the Vice President, who may not do likewise in the Senate. The Speaker seldom exercises this right, but when he does, as on close party issues, the House fills up and everyone pays close attention.

As presiding officer of the House, the Speaker interprets the rules that the House has adopted for its guidance. Customarily he performs this duty as a judge, bound by the precedents created by prior decisions of the Chair. But in 1890 Speaker Reed broke with all past practice by refusing to entertain a motion on the ground that it was dilatory and by including members physically present but not voting in counting a quorum. With significant exceptions, appeals are in order from decisions of the Chair, but are seldom taken; when taken, the Chair is usually sustained.

The Speaker's power of recognition is now narrowly limited by House rules and conventions that fix the time for the consideration of various classes

of bills; require recognition of the chairmen of the Appropriations and Ways and Means committees when they rise to move the consideration of appropriation and revenue bills; and allow committeemen in charge of other legislation to control all the time allotted for general debate. The Chair still has discretion, however, in determining who shall be recognized while a bill is being debated under the five-minute rule in Committee of the Whole; but then the Speaker is not in the Chair. He still has complete discretion also as to whom he will recognize to make motions to suspend the rules, on days when such motions are in order. The rules of the House may be suspended by a two-thirds vote on the first and third Mondays of the month and on the last six days of the session.

As party leader the Speaker prior to 1910 had certain additional powers: to appoint all standing committees and to name their chairmen; to select the members of the Rules Committee; and from 1858 to serve as its chairman. By the exercise of these powers he was in a position to influence greatly the action taken by the standing committees, the order of business in the House, and the character of the action taken by the House itself. His political powers evolved gradually during the nineteenth century, reaching a peak under the masterful leadership of Speakers Reed and Cannon. Taken together, the powers of the Speaker prior to 1910, as a member of the House, as its presiding officer, and as majority leader were so far-reaching that the speakership was regarded as second only in power and influence to the presidency, and as supreme in relation to the legislative process. After a long process of evolution the problem of leadership in the House of Representatives seemed to have been finally solved.

In the revolution of 1910, however, a coalition of Democrats and insurgent Republicans, led by George W. Norris, rebelled against the despotism of "Czar" Cannon, dethroned the Speaker from his post of power, and deprived him of most of the great powers he formerly possessed. They removed him from the Rules Committee of which he had formerly been chairman. They stripped him of the power to appoint the standing committees of the House and their chairmen, which he had exercised as a powerful weapon of party discipline. And they restricted his former right of recognition. This revolutionary reversal in the powers of the Speaker was swiftly accomplished and was described as "one of the most remarkable reversions of policy that has ever characterized a political system." The revolt was not so much against the principle of leadership as it was against the concentration of powers in the hands of a single individual who had exercised them in an arbitrary and autocratic manner.

Although the Speaker lost his power in the revolution of 1910 of appointing the standing committees of the House, he still appoints the select committees, the House members of conference committees, and the chairman of the Committee of the Whole. Prior to 1910, the Speaker controlled the

House in collaboration with a coterie of trusted party lieutenants. Since 1910 the leadership of the House has been in commission. Despite the overthrow of Cannonism, the speakership thus continues to be the most powerful office in Congress.

Contrast with English Speaker

The Speaker of our own House of Representatives offers an interesting contrast with the Speaker of the English House of Commons. Formerly the "King's man," and later the majority leader, the Speaker of the House of Commons has been its impartial umpire since 1839. He is elected by the Commons from among its members, subject to the approval of the Crown. Upon election, he gives up his former political affiliations and becomes the impartial servant of the whole House, its presiding officer, and the protector of its rights and liberties.

The English Speaker holds a position of great dignity and authority, enhanced by the wig and gown he wears. Without a bell or gavel to keep order, he rules the House with a firm hand. The English Speaker does not intervene in committee or make political speeches outside Parliament; he keeps aloof from party contacts and does not even enter a political club. After resigning from the Chair, he also retires from the House, being rewarded by the Crown with a peerage. He is not opposed on re-election in the House as long as he wishes to serve.

In his capacity as chairman of the House of Commons, the English Speaker presides over its deliberations, maintains order in its debate, decides questions arising on point of order, puts the question for decision, and declares the decision. However, like the Speaker of our House of Representatives, he does not act as chairman when the House is sitting as Committee of the Whole.

Rayburn and Martin

Sam Rayburn and Joseph W. Martin, Jr., the present and previous Speakers of the House of Representatives, have enjoyed responsibilities beyond those of the typical Speaker of earlier days. Mr. Rayburn was a close friend and trusted adviser of both President Franklin D. Roosevelt and Harry S. Truman. Mr. Martin met with President Eisenhower in his weekly conferences at the White House with the Republican leaders of Congress.

William S. White, who covered Congress for the *New York Times*, has described the Speaker as "the second most influential elected official" in Washington today.

> Officially, his job is in many respects comparable to the job of heading any great corporation or enterprise. He is the ultimate chief of everything in the House, from the nature of its legislative program to the conduct of its dining room, and the direction of its personnel — hired and elected — is his endless concern.
>
> He performs this job with economy of motion, with scant and infrequent but heady praise for those about him, with a ready and easy delegation of authority and with a some-

what amused deference to perhaps the most temperamental of all men — a politician at work.

The Speaker of the House has three main functions:

(1) To perform as the responsible presiding officer (and in nearly every real sense the outright boss) of a parliamentary body.

(2) To act as the head of [his] party in the House; its general manager, umpire and occasionally, in a rather hard-shelled way, as a paternal counselor, to whom many in the fold bring their troubles and ambitions. In this, he has also, and always, to keep a critical eye upon all the vast legislative mechanisms of the House, spurring on this laggard committee, reining in that over-zealous one — in short, taking personal responsibility for all the important business of the House.

(3) To advise the highest personages in Washington on all manner of topics, at all times.[8]

Compensation and allowances

For the fiscal year 1959 Congress appropriated $53,075 for compensation for the Office of the Speaker, and $16,000 for the Speaker's automobile. In addition, the Speaker receives mileage, stationery, clerk hire, and other expense allowances and is entitled to the franking privilege. He has a suite of rooms in the Capitol building. Attached to the Office of the Speaker is the Office of the Parliamentarian and his assistants, for which $60,265 was appropriated for the fiscal year ending June 30, 1959.

The Majority Leader of the House of Representatives

Political leadership is a fascinating subject for study, and nowhere more so than in nations with democratic forms of government. Such countries are governed in large part by their national legislatures the role of whose leaders excites perennial interest. Writing in 1885 Woodrow Wilson remarked that "in a country which governs itself by means of a public meeting, a Congress or a Parliament, a country whose political life is representative, the only real leadership in governmental affairs must be legislative leadership — ascendancy in the public meeting which decides everything. The leaders, if there be any, must be those who suggest the opinions and rule the actions of the representative body."

The position of Congress in the American system of government may not be so supreme today as it was when Wilson wrote his little classic on *Congressional Government*. But the leadership of Congress continues to intrigue the interest of scholars and laymen alike. Especially is this true in the House of Representatives where the character and conditions of leadership have had a most interesting history.

In any numerous body leaders must arise or be chosen to manage its business and the American House of Representatives has long had its posts of leadership. Outstanding among them have been the Speaker, the floor leader, and the chairman of the Committee on Rules. The chairmen of Ways

[8] William S. White, "Sam Rayburn — The Untalkative Speaker," *New York Times Magazine*, February 27, 1949, p. 48.

and Means and of Appropriations have also long been top leadership positions in the hierarchy of the House, followed by the chairmen of the other great standing committees of that body. This section will discuss the office of the majority leader of the House: its history, role, and relationships.

History of the office

In the history of the evolution of the office of majority leader the year 1910 marks a major dividing point. For the reform of the House rules adopted in that year brought about a redistribution of the powers of the speakership and a significant change in the position of the floor leader.

During the nineteenth century the floor leader was customarily selected by the Speaker who often designated either his leading opponent within the party or the chairman of Ways and Means or of the Appropriations Committee or one of his faithful lieutenants. Thus Winthrop appointed his opponent Samuel F. Vinton in 1847; Banks designated Lewis D. Campbell in 1856; Pennington named John Sherman in 1859, and Reed selected McKinley in 1889. Ranking membership of Ways and Means accounted for Clay's appointment of Ezekiel Bacon in 1811; Stevenson's choice of Gulian C. Verplanck in 1822; Polk's selection of Churchill C. Cambreleng in 1835; Orr's promotion of James S. Phelps in 1858; Randall's advancement of Fernando Wood in 1879; Keifer's appointment of William D. Kelley in 1881; Carlisle's designation of Roger Q. Mills in 1887; and Henderson's selection of Sereno E. Payne in 1899. Faithful lieutenants were rewarded by the appointment of James J. McKay by Jones in 1843; Thomas S. Bayly by Cobb in 1849; George S. Houston by Boyd in 1851; William H. Morrison by Kerr and Carlisle in 1875 and 1883; and William M. Springer by Crisp in 1891.[6]

According to Riddick,

> in the House, the early titular floor leaders were at the same time the chairmen of the Ways and Means Committee. Before the division of the work of that committee, the duties of its chairmen were so numerous that they automatically became the actual leaders, since as chairmen of that committee they had to direct the consideration of most of the legislation presented to the House. [Ways and Means handled both the revenue and the appropriations bills down to 1865.] From 1865 until 1896 the burden of handling most of the legislation was shifted to the chairman of the Appropriations Committee, who then was designated most frequently as the leader. From 1896 until 1910 once again the chairmen of the Ways and Means Committee were usually sought as the floor leaders.[7]

Since 1910 the floor leader has been elected by secret ballot of the party caucus. During the Wilson administrations the Democrats resumed their former practice of naming the chairman of Ways and Means as floor leader, but since the Seventy-second Congress (1931–33), when the Democrats recovered control of the House, their floor leaders have not retained their

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[6] DeAlva S. Alexander, *History and Procedure of the House of Representatives* (Boston: Houghton Mifflin, 1916), chap. vii, "Floor Leaders," pp. 110–11.

[7] Floyd M. Riddick, *The United States Congress: Organization and Procedure* (Manassas, Va.: National Capitol Pubs., 1949), chap. v, "The Floor Leaders and Whips," p. 86n.

former committee assignments. John W. McCormack, who was elected Democratic floor leader on September 16, 1940, and who has held that office longer than any predecessor, resigned his seat on Ways and Means when he became majority leader. In 1919, when the Republicans captured control of the House, they elected as their floor leader the former chairman of Ways and Means and made him ex-officio chairman of their Committee on Committees and of their Steering Committee. He gave up his former legislative committee assignments in order to devote himself, with the Speaker, to the management of the business of the House.

Changes after 1910

As a result of the so-called "revolution of 1910," notable changes were made in the power structure of the House. Under "Uncle Joe" Cannon who had been Speaker since 1903, the Speaker was supreme and all-powerful. He dominated the Rules Committee which made the rules and was a law unto itself. The majority party caucus was seldom needed or used. The Speaker appointed the standing committees which were entirely free from control by a majority of the House, while the floor leader was a figurehead.

After the congressional elections of November, 1910, in which the Democrats won full control of the House, they held a party caucus on January 19, 1911, and chose Champ Clark as Speaker and Oscar Underwood as their floor leader and as chairman of the Ways and Means Committee. Under the new system that became effective in the 1911–12 session of the Sixty-second Congress, the Speaker was largely shorn of power and the majority party caucus became the dominant factor. The Rules Committee was controlled by the floor leader and the caucus; it made the rules and retained all its former powers. The Democratic members of Ways and Means organized the House by naming its standing committees.

Under Underwood the floor leader was supreme, the Speaker a figurehead. The main cogs in the machine were the caucus, the floor leadership, the Rules Committee, the standing committees, and special rules. Oscar Underwood became the real leader of the House. He dominated the party caucus, influenced the rules, and as chairman of Ways and Means chose the committees. Champ Clark was given the shadow, Underwood the substance of power. As floor leader, he could ask and obtain recognition at any time to make motions to restrict debate or preclude amendments or both. "Clothed with this perpetual privilege of recognition, and backed by his caucus," remarked a contemporary observer, "the floor leader had it in his power to make a Punch and Judy show of the House at any time." [8]

After World War I the party caucus gradually fell into disuse, the floor leader ceased to be chairman of Ways and Means, the standing committees

[8] Lynn Haines, *Law Making in America* (Bethesda, Md.: L. Haines, 1912), pp. 15–16.

continued to function as autonomous bodies, and the Rules Committee became a more influential factor in the power structure of the House. After 1937 this powerful committee ceased to function as an agent of the majority leadership and came under the control of a bipartisan coalition which was often able to exercise an effective veto power over measures favored by the majority party and its leadership.

The net effect of the various changes of the last thirty-five years in the power structure of the House of Representatives has been to diffuse the leadership, and to disperse its risks, among a numerous body of leaders. The superstructure which has come to control "overhead" strategy now includes the Speaker, the floor leader, the chairman of Rules, and the party whip. At a somewhat lower echelon behind this inner "board of strategy" are the chairman and the secretary of the party caucus or conference, the majority members of Rules who have grown from three to eight, and the members of the Steering (Democratic) and Policy (Republican) committees and of the two Committees on Committees. Thus, the top leaders of the House are no longer "the chairmen of the principal standing committees," as Woodrow Wilson described them in 1885, although the chairmen still have large powers over bills within their jurisdiction.

So far as the position of floor leader is concerned, he no longer occupies the post of supremacy that Oscar Underwood held. There is no provision for his office in the standing rules of the House. Nevertheless, he stands today in a place of great influence and prestige, the acknowledged leader of the majority party in the chamber, its field general on the floor, number two man in the party hierarchy, and heir apparent to the Speaker himself. All the Speakers of the past quarter-century have been advanced to the speakership from the floor leadership position.

Qualifications and previous experience

After retiring from the House of Representatives where he represented Buffalo from 1897 to 1911, DeAlva Alexander wrote an informative history of that body which contains a series of character sketches of the floor leaders of the House from Griswold in 1800 to Underwood in 1911. Most of these mighty men of old are now forgotten, but to their contemporaries they were men of exceptional capacity. "In interesting personality and real ability the floor leader is not infrequently the strongest and at the time the best-known man in the House."

Alexander went on to give his own evaluation of the characteristics of a good leader as follows:

> It certainly does not follow that a floor leader is the most effective debater, or the profoundest thinker, or the accepted leader of his party, although he may be and sometimes is all of these. It should imply, however, that in the art of clear, forceful statement, of readily spotting weak points in an opponent's argument, and in dominating power to safeguard the interests of the party temporarily responsible for the legislative record of the House, he is

the best equipped for his trade. It is neither necessary nor advisable for him to lead or even to take part in every debate. The wisdom of silence is a great asset. Besides, chairmen and members of other committees are usually quite capable and sufficiently enthusiastic to protect their own measures. But the floor leader must aid the Speaker in straightening out parliamentary tangles, in progressing business, and in exhibiting an irresistible desire to club any captious interference with the plans and purposes of the majority.[9]

Thirteen men have held the office of floor leader of the House of Representatives since 1919. Six of them were Republicans: Mondell, Longworth, Tilson, Snell, Martin, and Halleck. Seven were Democrats: Garrett, Garner, Rainey, Byrns, Bankhead, Rayburn, and McCormack. Elevation to the floor leadership comes only after long service in the House. The Republican floor leaders had served, on the average, sixteen years in the chamber; the Democrats twenty-one years before their election. The combined average for the whole group was nineteen years previous service in the House. The long-run trend in point of previous House experience is downward, both McCormack and Halleck having been elected floor leader after serving only six terms in the House.

All the floor leaders since World War I have also enjoyed long service on some of the most eminent committees of the House. Of the six Republicans, three had served on the Rules Committee, two ranked high on Ways and Means, and one on the Appropriations Committee. Of the seven Democrats, three were high ranking on Ways and Means, two on Rules, one on Appropriations, and one (Rayburn) had been chairman of Interstate and Foreign Commerce.

Functions and duties of floor leader

The standing rules of the House are silent on the duties of the floor leaders who, as we have seen, are selected by the caucus or conference of their respective parties. As his title indicates, the principal function of the majority leader is that of field marshal on the floor of the House. He is responsible for guiding the legislative program of the majority party through the House. In co-operation with the Speaker, he formulates and announces the legislative program, keeps in touch with the activities of the legislative committees through their chairmen, and stimulates the reporting of bills deemed important to the nation and the party. After conferring with the Speaker and majority leader, the majority whip customarily sends out a "whip notice" on Fridays to the party members in the House, indicating the order of business on the floor for the following week, and the majority leader makes an announcement to the same effect on the floor in response to an inquiry from the minority leader. The legislative program is planned ahead on a weekly basis according to the readiness of committees to report, the condition of the calendars, the exigencies of the season, and the judgment of

[9] Alexander, *op. cit.*, p. 109.

the party leaders. Advance announcement of the weekly program protects the membership against surprise action.

The role of the majority leader was lucidly summarized in a statement inserted in the *Congressional Record* on May 11, 1928, when the Republicans were in power, by Representative Hardy of Colorado:

> The floor leader, especially the leader of the majority side, has much to do with the legislative program. The majority leader, of course, represents the majority on the floor. Motions he makes are usually passed. He endeavors to represent the majority view and the majority follow his leadership. He leads in debate on administration matters and gives the House and the country the viewpoint of his party on the legislative program.
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> The leader keeps in touch with proposed legislation, the status of bills of importance, with the steering committtee of which he is chairman, and with the attitude of the Rules Committee. He confers with committee chairmen and Members in general. The majority leader often confers with the President and advises with him regarding administrative measures. He takes to the President the sentiment of the party in the House and he brings to the party in the House the sentiment of the President. The majority leader acts also as chairman of the committee on committees and of the steering committee. . . .[39]

The Democratic party in the House set up its own Steering Committee in 1933, composed of the Speaker, floor leader, chairman of the party caucus, party whip, the chairmen of Ways and Means, Appropriations, and Rules, and one Representative from each of the fifteen zones into which the country is divided for party purposes, each such Representative being elected by the Democratic delegation in the House from the zone. The Steering Committee elects its own chairman, vice-chairman, and secretary and co-operates with the leadership in the planning and execution of party policy. In actual practice, nowadays, however, "the Democratic Steering Committee seldom meets and never steers," according to James F. Byrnes.

Various parliamentary procedures are employed by the floor leader in directing and expediting the legislative program. Much noncontroversial business on the Unanimous Consent Calendar is disposed of without debate and "without objection." The work of the House is sometimes described as "lawmaking by unanimous consent" because the floor leader uses this device to fix the program of business. Members know that it would be futile to object to his unanimous consent requests to consider legislation because the same end could be achieved via a special rule from the Committee on Rules. Similarly, if a member sought to bring up a matter out of its turn, without prior agreement with the leadership, the floor leader could defeat him by objecting.

The floor leader can also limit debate on a bill, if it tends to get out of control, by making the point of order that debate is not germane to the pending subject or by moving that all debate on the pending bill and all amendments thereto close in a certain time. By his temper and spirit he can also influence the tone of debate.

As the end of a session approaches, with many measures pressing for

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[39] *Congressional Record*, 70th Cong., 1st Sess., p. 8439.

passage, the Speaker and the floor leader co-operate closely to avoid a last-minute jam. The procedural devices employed at this time are largely unanimous consent, special orders, and motions to suspend the rules which are in order on the last six days of a session and require a two-thirds vote. "There is a usual speeding up of the program during the last days. But there is also a tightening of control. In strong contrast to the Senate, the House remains a poised, businesslike body as it approaches adjournment. The men in the cab hold the legislative train steady to the very end of its run." [11] At the end of each session the floor leader customarily extends his remarks by inserting a record of its accomplishments, showing the major legislative actions taken and the number of public and private laws enacted, viewing with pride the role of the majority party in the legislative process.

In 1909 the House adopted a rule whereby Wednesdays were set apart for the consideration of unprivileged bills on the House and Union Calendars. Under this "Calendar Wednesday" rule, when invoked, the clerk calls the roll of the committees in turn and authorized members call up bills that their committees have reported. At the time of its adoption this rule was regarded as perhaps the most vital of the reforms that the progressives won under Cannonism. For it reserved Wednesday as the one day of each week which had to be given to the consideration of bills upon the House Calendar. Before its adoption, the "call of committees" was rarely reached as the result of the accidental or intentional manipulation of privileged matters. To remedy that condition the new rule provided that on one day each week no business, regardless of its privileged character, should be allowed to interfere with the regular routine. In obtaining its adoption the progressivess demanded, and thought that they had secured, one day so guarded that nothing could interfere with the consideration and final passage of general legislation.

For many years, however, the Calendar Wednesday rule has been more honored in the breach than in the observance. Session after session passes without a call of the committees. In practice, Calendar Wednesday is usually dispensed with by unanimous consent at the request of the majority leader. If there is objection, it requires a two-thirds vote to dispense with it, but no one ever objects. The leadership has evidently felt that there is little, if any, need for Calendar Wednesday because of the alternative methods by which bills can be brought up and over which they have more control. In the modern practice there are five routes by which bills and resolutions reach the floor of the House: (1) by the leave of certain committees to report at any time; (2) under unanimous consent, on call of the Unanimous Consent Calendar or the Private Calendar; (3) on special days, as on District Day,

[11] Paul H. Hasbrouck, *Party Government in the House of Representatives* (New York: Macmillan, 1927), p. 117.

when particular types of business are privileged; (4) under suspension of the rules on the first and third Mondays and the last six days of the session; and (5) under special orders reported by the Committee on Rules.

Since the floor leader is responsible for the orderly conduct of the business of legislation on the floor, it is necessary for him to keep in close touch with the sentiment of the House and with the chairmen of committees that have under consideration bills of interest to the House, the country, and the party. To this end he holds frequent conferences with those concerned with prospective measures in order to compose any differences that may arise, as well as to plan the strategy and tactics of his campaign. Information as to party sentiment on a particular bill is also obtained, with the aid of the party whips, by polls of the state delegations.

Whip organization

On the Democratic side the Whip Organization in the House consists of a chief whip who is appointed by the majority leader in consultation with the Speaker, and fifteen assistant whips who are selected by the Democratic representatives from as many zones into which the country is divided for party purposes. Rep. Carl Albert of Oklahoma is Democratic whip at the present time. It is the whip's job to be present on the House floor most of the time the House is in session. He helps the majority leader keep tab on legislation, and he keeps the members advised of the legislative schedule. He attempts to make sure the members of his party are on the floor when a significant vote is imminent. On occasion the whip joins the Speaker and the majority leader in seeking to round up votes on an important issue.

On the Republican side the Whip Organization includes the chief whip who is elected by the Committee on Committees, three regional whips selected from three regions by the Republican whip, and ten assistant whips who are also appointed by the chief whip. Rep. Leslie C. Arends of Illinois is presently the Republican whip.

Party caucuses

Under the old system the congressional parties held frequent caucuses at which party policies were vigorously discussed and differences settled. Every major measure of a session was considered in party caucus and members were bound to abide by its decisions. The leadership then knew exactly where it stood, whether bills could be passed on the floor without amendment or whether compromises would have to be made. After Champ Clark became floor leader in 1909 the House Democrats held many binding caucuses and much of the success of the legislative program of the Wilson administration was attributed to the effective use of the caucus by the Democratic party in both houses of Congress. For many decades House Republicans also held frequent party conferences which, although they were not

binding, made for a consensus among the party membership and helped a succession of strong G.O.P. Speakers and floor leaders to hold the party reins tightly.

Under the new system, however, party caucuses are seldom held except at the opening of a new Congress to nominate House officers and approve recommendations of the leadership for committee appointments. Perhaps party leaders nowadays consider these meetings too hazardous. The leadership cannot compel members to vote against their will or conscience nor can it discipline them by removal or demotion from committees. In latter years the floor leader has relied for the co-operation of his followers not upon the compulsion of party rules but upon his own powers of logic and persuasion and considerations of party welfare.

> Under the new system the Floor Leader is dependent not upon his power under the rules, but upon his own personality and character, upon the esteem in which he is held in the House for his political sagacity and his wisdom as a statesman, and upon the natural instincts which prompt men belonging to a party, and held together by natural selfish instincts for mutual protection, for his success in harmonizing differences and thus being able to go into the House with a measure assured of sufficient support to secure its enactment . . . the Floor Leader has become the general manager of his party in the House, the counselor of his colleagues, the harmonizer of their conflicting opinions, their servant, but not their master.[22]

Summarizing, the function of a leader is to lead. In the case of a majority leader of a legislative assembly, leadership involves planning the legislative program, scheduling the order of business on the floor, supporting legislation calculated to implement the party's platform pledges, co-ordinating committee action to this end, and using his individual influence to keep the members of the party in the House in line with party policies. The majority leader's task is to steer his party in the House toward the formulation and adoption of policies and strategy designed to carry out the Administration's legislative program, where the House and the presidency are controlled by the same political party. As floor leader his function is to employ all the arts of parliamentary procedure to expedite the enactment of that program.

Under existing conditions in the Democratic party in the House of Representatives, this is a large order. For the party is deeply divided along sectional lines. It has both conservative and liberal members who wear the same party emblem, but lack a common political philosophy. Loyalty to local and sectional interests sometimes transcends a sense of responsibility to the national political party. Under these circumstances, the task of the party leader is difficult to accomplish. Who can lead where others will not follow? Who can discipline recalcitrant party members for failing to co-operate when effective sanctions are lacking? To be sure, Rule 2 of the House Democratic Caucus Rules provides that "any member of the Democratic Caucus of the House of Representatives failing to abide by the rules governing the same

[22] George R. Brown, *The Leadership of Congress* (Indianapolis: Bobbs-Merrill, 1922), pp. 221–22, 224.

shall thereby automatically cease to be a member of the Caucus." And Rule 7 provides that "in deciding upon action in the House involving party policy or principle, a two-thirds vote of those present and voting at a Caucus meeting shall bind all members of the Caucus: provided, the said two-thirds vote is a majority of the full Democratic membership of the House. . . ." But for all practical purposes these rules are moribund.

Relations with committees

During the nineteenth century, as already noted, the actual floor leader was often the chairman of Ways and Means prior to 1865 when this committee handled both the revenue and appropriation bills. In that year the supply bills were given to the Committee on Appropriations and thereafter the floor leader was often the chairman of Appropriations. When the Sixty-second Congress (1911–13) transferred the power to appoint committees from the Speaker to the Democratic members of Ways and Means, its chairman (Underwood) who was also floor leader thus acquired an indirect influence over legislation not enjoyed by his predecessors. Today Democratic vacancies on Ways and Means are filled by election by the party caucus which ratifies the choice of the party leadership which is thus able to exercise influence over tax and other legislation reported by that committee.

As already noted, the Republican floor leader serves as chairman of the Republican Committee on Committees of the House which has the task of filling its party vacancies on the legislative committees. This involves hearing the claims of interested candidates and deciding who should be chosen.

The floor leader on both sides of the House aisle is also a member of his party's Steering or Policy Committee. The Republican floor leader has been ex officio chairman of his Steering Committee. An interesting account of the role of the Republican Steering Committee several years ago was given by Representative Hardy of Colorado, as follows:

> An influential factor in government is the steering committee. It exerts a powerful influence but makes no effort to exhibit power. It works along diplomatic lines to feel out and consolidate sentiment for administration measures and procedure. It meets at the call of the chairman, and considers the welfare of the Government from the party point of view. It advises with the White House, the chairmen of important committees, the party leaders, and the Rules Committee. It helps to iron out differences, and to formulate the majority program in the House. The chairman of the Steering Committee is the floor leader. When the committee meets the Speaker sometimes and the chairman of the Rules Committee usually are invited in for consultation. . . .[13]

Relations between the leadership of the House and the Rules Committee have varied over the years. From 1890 to 1910 they were merged, for Rules was then a triumvirate composed of the Speaker and his two chief lieutenants, often the chairmen of Ways and Means and of Appropriations. After 1910 the speakership was "syndicated" and the leadership was separated

[13] *Cannon's Precedents of the House of Representatives*, Vol. 8, Sec. 3626.

from the members of the Committee on Rules who ceased to be the dominant figures in the House, although their chairman continued to be an important personality because of his position.[14] Writing in 1927 Hasbrouck said of the Rules Committee:

> It is the trump card of the Floor Leader, but he himself is not officially identified with it. True, he must appeal to the reason of 12 men, and win a majority of them to the support of his proposals. But the mainspring of action is not in the Rules Committee. The impulse comes from the Floor Leader after consultation with his "board of strategy" or, for purposes of more formal and routine action, with the Steering Committee.[15]

In 1937, the leadership lost control of the House Rules Committee, thanks to the seniority custom, when three of its Democratic members joined with the four Republican members to block floor consideration of controversial Administration bills. The coalition succeeded in preventing many New Deal–Fair Deal measures from reaching the House floor except by the laborious discharge route. After World War II a rising demand developed for reform of the Rules Committee whose powers were temporarily curbed during the Eighty-first Congress (1949–50) by adoption of the so-called "21-day rule." This rule strengthened the position of the chairmen of the legislative committees of the House vis-à-vis both the Rules Committee and the leadership. While it was in effect, the 21-day rule brought the anti-poll-tax bill to the House floor for a successful vote and forced action on the housing and minimum wage bills. It also enabled the House to vote for the National Science Foundation, Alaska and Hawaii statehood legislation, and other important measures. Altogether, during the Eighty-first Congress eight measures were brought to the House floor and passed by resort to the 21-day rule, while its existence caused the Rules Committee to act in other cases. Repeal of this rule in January, 1951, restored the checkrein power of the Rules Committee which it has since exercised on various occasions. "Until the 21-day rule is restored," remarked Representative Holifield, "we can expect further situations in which a few men, strategically situated in the Rules Committee, can imposed their will on the Congress and prevent the enactment of legislation deemed by the House majority to be essential to the security and welfare of this Nation." [16]

Today the Rules Committee is regarded as an important arm of the House leadership whose wishes it is expected to respect. Presumably it does so on most occasions. But "traditions of seniority and tenure have at times made certain of the majority members of the Rules Committee of the House somewhat out of tune with the larger portion of their party colleagues, with the

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[14] Atkinson and Beard, "The Syndication of the Speakership," *Political Science Quarterly*, September, 1911, p. 414.

[15] Hasbrouck, *op. cit.*, pp. 95–96.

[16] Hearings before the Senate Committee on Government Operations, on the Organization and Operation of Congress, June, 1951, p. 52.

result that there has been something of a cleavage between the actions of the Committee and the wishes of the core leadership of the party." [17]

The influence of the party leadership on the legislative committees of the House is suggestive, not coercive; informal, not official; tactful, not dictatorial. The floor leader seldom appears in person before committees, but he maintains close and friendly relations with their chairmen on matters of party policy, seeking to mediate between the wishes of the Administration and those of the committeemen. Prior to 1947, before the committee structure had been streamlined and jurisdictions clarified, leadership could influence the fate of a bill by referring it to a favorable or unfavorable committee; but freedom of choice in bill referrals was reduced by the Legislative Reorganization Act of 1946.

The practice of floor leaders regarding their own committee assignments has varied in recent times. Representative McCormack, now the majority leader, voluntarily resigned from Ways and Means in 1940 when he was elected floor leader, on account of the strenuous duties of that office. But when the Republicans captured control of the House in the Eightieth Congress and Mr. McCormack became minority whip, he accepted membership on the Committee on Government Operations and has since continued to serve on that committee. On the other hand, Mr. Martin, former Speaker and minority floor leader, has had no committee assignments (except to the Select Committee on Astronautics and Space Exploration in the Eighty-fifth Congress), while Mr. Halleck who was majority leader in the Eightieth and Eighty-third Congresses and is now minority leader in the Eighty-sixth Congress, has served on the Rules, Administration, and Lobbying committees.

Relations with the President

For more than fifteen years now regular conferences have been held at the White House between the President and his party leaders in Congress — the so-called "Big Four": the Speaker and majority leader of the House and the Vice President and majority leader of the Senate, when they belong to the President's party. When, as during the Eighty-fifth and Eighty-sixth Congresses, opposing political parties control Congress and the presidency, the minority leaders attend these meetings at the White House which are usually weekly while Congress is in session, if the President is in town. These "Big Four" meetings have helped to bridge the gap between the legislative and executive branches of the national government created by our inherited system of separated powers.

Mutatis mutandis, they are the American counterpart of what Bagehot, referring to the British Cabinet, described as "the hyphen that joins, the buckle that fastens, the executive to the legislature." They are advantageous

[17] Ernest S. Griffith, *Congress: Its Contemporary Role* (2d ed.; New York: New York University Press, 1956), p. 165.

to both ends of Pennsylvania Avenue because they give congressional leaders an insight into the President's plans, while affording the President valuable counsel and guidance on the prospects of his legislative program. When of the same political party, the floor leaders are expected to serve as spokesmen for the Administration, although there have been a few noteworthy departures from this practice. On the House side, however during the Eighty-third Congress, Majority Leader Halleck successfully made the transition from opposition to administration leader and became the most effective champion in Congress of Eisenhower's program. In the White House those days "Charlie" Halleck was the best-liked man on Capitol Hill.

When President Roosevelt took office in 1933, he launched such a varied legislative program that it was necessary for him to keep in close touch with Congress through the leaders of both houses. He consulted with his party leaders and committee chairmen with respect to the New Deal measures before they were introduced as Administration bills, usually by the majority leaders. Sometimes he called the majority leader of the House or Senate individually to the White House to confer about some problem peculiar to one chamber or the other. After his return from trips abroad he sometimes asked the floor leaders of each house to brief him on legislative developments during his absence.

When opposing parties control the two branches, the President is more likely to discuss domestic legislative matters with the congressional leaders of his own party, although in the early days of the Eightieth Congress President Truman occasionally conferred with Messrs. Vandenberg, White, Martin, and Halleck, especially on legislation of a nonpartisan nature. In view of the vital role of Congress in the field of foreign relations, the President must sometimes take the leaders of both political parties in both houses into his confidence. In the days before World War II, when President Roosevelt was seeking to strengthen our defenses, he frequently conferred with both Democratic and Republican leaders in both houses of Congress. Such a conference was the famous night meeting at the White House late in July, 1939, when the President and Secretary of State Cordell Hull urged that Congress repeal the Embargo Act. Among those in attendance were the chairmen of the Foreign and Military Affairs committees, members of the Cabinet, and the majority and minority leaders of the House and Senate.

John McCormack's service as majority leader

John W. McCormack has represented the Twelfth Massachusetts District in the House of Representatives since November 6, 1928. Twelve years later he was first elected majority leader of the House on September 16, 1940: an office which he has held ever since except during the Republican Eightieth and Eighty-third Congresses when he served as minority whip. Thus, in 1958 he was serving his 29th year in the House and his 13th year as majority leader,

longer than any predecessor in this post. For many years he was the faithful lieutenant of Presidents Roosevelt and Truman, and was responsible for steering through the House the vital legislation of the 1940's.

McCormack's incumbency of the floor leadership coincided with World War II and the postwar years. During the fateful forties Congress made many vital legislative decisions in important fields of public policy. The problem areas that called for legislative action included conversion and control over manpower, money, and supplies; labor policy, price control, monetary policy, military policy and the conduct of the war, foreign policy and postwar commitments, and reconversion to peace. Among the typical issues of congressional politics during this eventful decade were the efforts to achieve "equality of sacrifice," to "take the profits out of war," and to "freeze economic relationships," as well as wartime elections, the New Deal, and bureaucracy. Far from becoming an anachronism or merely a rubber stamp in providing funds and delegating powers to the President, the role of Congress in wartime increased rather than diminished. The national legislature considered simultaneously many facets of the war and postwar economy of the nation.

During World War II Congress performed three major functions: it made both broad and specific grants of power to the President; it adjusted conflicts of interest among various groups in American society; and it supervised the execution of policy. Many difficult decisions were made by the Congress on organizing the resources of the nation and allocating men, money, and materials among competing claimants. Alternative choices and different standards of judgment gave rise to political competition both within Congress and between Congress and the President. Partisanship continued throughout the war with recurring elections and debates over such controversial issues as price control, consumer subsidies, war taxes, and reconversion.

After the war, Congress repealed the emergency grants of power, abolished the war agencies and administrative courts, disassembled the great military machine, and re-established a free economy. It regained the great powers it had delegated to the President during the war and re-established the constitutional position it enjoyed before the war.[18]

Representative McCormack was in the forefront of all these momentous wartime and postwar activities on Capitol Hill. Although deeply devoted to his political party, he always put national above party and personal interest. He believed that above all sections is the nation, and above all nations is humanity. He was very close, officially and personally, to Speaker Sam Rayburn for whom he felt deep respect and friendship. They assumed their respective offices on the same day back in 1940 and they functioned as a

[18] Roland Young, *Congressional Politics in the Second World War* (New York: Columbia University Press, 1956).

team thereafter. Mr. McCormack was frequently elected as acting Speaker pro tempore and presided over the House in Mr. Rayburn's absence.

Committee on Rules

Last but far from least in the political hierarchy is the House Committee on Rules, whose jurisdiction and powers make it an effective instrument of majority party or coalition control of legislative action. This political committee, which owes its existence to the constitutional right of the House to "determine the rules of its proceedings," was a select committee from 1789 to 1849, a standing committee during the Thirty-first and Thirty-second Congresses (1849–53), and again select from 1853 to 1880, when it converted itself into a standing committee for the second time and has so continued ever since. The Rules Committee has varied in size from five to fourteen members. At present it has twelve members, of whom eight are Democrats and four are Republicans. The Speaker was first made a member in 1858 and remained as such until his removal in 1910.

After the Speaker became a member of Rules in 1858 it gradually rose to a pre-eminent position in the congressional committee system. Thanks to a series of favorable rulings by the Speaker, the Committee on Rules acquired the power (a) to consider and report special orders; (b) to sit during sessions of the House; (c) to report matters not previously introduced, reported, or committed to it; and (d) to have its reports immediately considered. By the exercise of these powers the Rules Committee can sift the business coming from the other nineteen committees of the House and decide which bills shall have the right of way to consideration on the floor and the order in which they shall be taken up. Through its power to report new business it has original as well as secondary jurisdiction over the legislative agenda. By amending their measures as a condition of giving them a "green light" to the floor Rules can substitute its own judgment for that of the great legislative committees of the House on matters of substantive policy. It can also determine the duration of debate on a controversial measure and restrict the opportunity to amend it, thus expediting or delaying a final decision.

Moreover, since the Rules Committee is the only channel through which amendments of the rules can reach the House, it is able to prevent changes in the rules and so prevent parliamentary reform. In short, the Committee on Rules is to a large degree the governing committee of the House. To it the House has largely delegated the power to regulate procedure vested in itself by the Constitution.

Under Cannonism the House Rules Committee was a "sleeping giant," in Haines's apt phrase. But after Cannon was dethroned and the majority floor leader succeeded to the scepter, Rules became an active power. If a majority (7) of its members refuse to report a bill to the House, the other 429 are

impotent to compel action. Only by the laborious discharge petition procedure, which requires 219 signatures, can the House force the Rules Committee to act upon any subject over which it has jurisdiction. It can dispose as it pleases, for example, of resolutions for special investigations and of proposed innovations in parliamentary practice.

Through special rules this powerful committee is able to advance directly, or to retard indirectly, any measure that it selects for passage or slaughter. Three kinds of special rules are handed down by the Rules Committee: (1) "gag rules" limiting amendment of pending measures; (2) rules permitting certain favored legislation to come before the House; and (3) rules that make certain bills the next order of business in order to obstruct others that otherwise would come up for consideration via the usual calendar route. By the exercise of its powers the Rules Committee can also function as a steering committee, steering the House in whatever direction the exigencies of the hour appear to demand.

Whether such concentration of political power in one committee is good or evil depends upon whose ox is gored. By some the practice is defended as a legitimate means for clearly fixing party responsibility and obtaining able and energetic guidance of legislative affairs. In his thorough, readable, and objective history of congressional committees written after a century of their evolution, McConachie penned the following encomium to the Committee on Rules:

> Their skill as parliamentarians versed in the peculiar environment, traditions, character, customs, and rules of the House cannot be matched within or without Congress. They know how to gauge accurately and finely the sentiments of the body which they lead, whether on subjects political or non-political, so as to avoid a vote which shows want of confidence. Rarely, if ever, do they make the slip of even introducing a special order which will fail of success. They have come through long personal acquaintance to that frame of political mind wherein, though of different parties, they will much more readily and frequently co-operate than will any five Representatives of opposing faiths whose careers are just beginning. Hence, they often stand shoulder to shoulder in preserving peace where discord would otherwise run rampant between the two large heterogeneous crowds of followers upon the floor. But where word is given for battle upon planks of party creed, the committee of five dwindles to a triumvirate which guides and voices the will of the majority; which works for the maintenance of party unity; which conciliates rebels of its own side of the House when it cannot overawe them, and, if overruled on some rare occasion submits with good grace that brings the Speaker out of his sanctuary to walk between the tellers and be counted as when he was an ordinary Representative a score of years ago; which arbitrates among great committees of equal privileges, arranging the programme for consideration of their bills by the House; finally, which brings together the chiefs in daily council to hold its touch with the majority within the Congressional Hall and to turn the search-lights out beyond the Capitol over the drifting currents of public opinion. Despotic power cannot build itself upon a two years' tenure. . . . This better legislative machinery has come in the rise of the Committee on Rules and of the informal steering committee of which it is the nucleus. . . . Here is a revival and perpetuation of that unity of lawmaking which characterized those first years when the Committee of the Whole on the State of the Union held the primacy for the formulation of laws. A better century has begun, wherein the American House of Representatives will express more readily and truly the more easily known will of the people.[19]

[19] L. G. McConachie, *Congressional Committees* (New York: Crowell, 1898), pp. 204–7.

Those who in our own time believe in more definite fixation of party responsibility and in more effective legislative leadership, as means both of holding political parties accountable for the performance of campaign pledges and of correcting the existing dispersion of leadership in Congress, will presumably take a complacent view of the situation. Willoughby, for example, has suggested strengthening the Rules Committee by making its Republican and Democratic members the executive committee of the two caucuses in the House, with the power of selecting the chairmen of committees and making all committee assignments. If it were also given the function of formulating the parties' legislative programs, its collective responsibility would be complete and the legislative command would be unified.

Those like Senator O'Mahoney, on the other hand, fear concentrated authority in any form and would, therefore, be vehemently opposed to any further steps in that direction. Others think that the Rules Committee should function only as a traffic director on the legislative highway, deciding the order of business but without authority to pass upon the merits of bills or to block the presentation of favorable committee reports to the House. Some members believe that unanimous committee reports should automatically have the right of way to the House floor.

Struggle over the 21-day rule

After World War II a rising demand developed for reform of the powers of the Committee on Rules. Rebellion against the "undemocratic and arbitrary dictatorship" of the Committee found expression in a letter that Representative Eberharter wrote his House colleagues in December, 1948.

> In theory the Rules Committee is a traffic director on the legislative highway, determining the order of business on the floor of the House. In practice this committee often allows bills to come before the House only on its own terms. It frequently usurps the functions of the regular legislative committees of the House by holding hearings and reviewing the merits of bills that have already been carefully studied by the proper legislative committees. A reform of this undemocratic system is long overdue. Congress is constantly engaged in a struggle for the respect of the people. The people never have and never will be able to understand how the will of a majority of the House of Representatives can be set aside by the judgment of a few men on a powerful committee.

The fight against the "obstructive tactics" of the Rules Committee finally came to a head on January 3, 1949, when the House adopted the so-called 21-day rule by a vote of 275 to 142. Under this rule the chairman of a legislative committee that had favorably reported a bill could call it up for House consideration if the Rules Committee reported adversely on it or failed to give it a "green light" to the House floor within 21 days. The 21-day rule remained in effect throughout the Eighty-first Congress (1949–50), despite a determined effort to repeal it early in the second session. A coalition led by Congressman Cox of Georgia was defeated on January 20, 1950, by a vote of 236 to 183. Eighty-five Southern Democrats voted for the Cox repeal resolution, while 64 Republicans sided with the Administration against their own

leadership. The 21-day rule proved effective in preventing a permanent blockade of vital legislation by the Rules Committee until it was repealed in January, 1951.

Two opposing principles are involved in the struggle over the powers of the House Committee on Rules: whether legislative action should be controlled by a majority of the entire House, or whether the majority party should control through its nominal agent. Those who believe in the principle of majority rule by the Whole House favor reducing the Rules Committee to a traffic director on the legislative highway and adopting a more liberal discharge rule. Their fundamental objection to the existing setup is that it vests power in a small group of rules committeemen to prevent the House from considering and taking action upon measures not favored by the committee or the House leaders. Under the present system, they say, many cases arise where a bill or resolution that would receive favorable action by the House, if it had a chance to consider it, is killed in committee. Such a system, it is argued, denies the House its constitutional right to legislate and violates the principle of representative government.

On the other hand, those who believe that the party in power should control legislative action, as a means of fulfilling its responsibility to the electorate, favor strengthening party government in the House through a strong Rules Committee and a strict discharge rule. To curtail the authority of the committee, they assert, would (1) go far to destroy the effective working of party government and responsibility and (2) tend to facilitate the attempt of self-seeking special interests and minority groups to secure the passage of legislation detrimental to the general welfare.

While conceding the force of these objections, advocates of a change maintain that, under existing political conditions in the Rules Committee, it is possible for the will of the majority party, as expressed at the polls, to be frustrated by a hostile coalition within the committee. Under these circumstances, runs their argument, only a reform of the powers of the committee will, in crucial cases, enable the true majority will to prevail.

WEIGHTING LEGISLATORS' VOTES TO EQUALIZE REPRESENTATION

ROBERT H. ENGLE
De Paul University

THE PROPOSAL

THIS IS A PROPOSAL to attain equality of representation in state legislatures by so weighting or multiplying each representative's votes on legislative enactments that his votes would be proportional to (or the same as) his popular vote. In order that no votes need be "lost" and all citizen votes be included in the weighting without denying the electors an adequate choice of representative, the Illinois system of electing three representatives from each district by cumulative voting would be essential. Then each representative participating in legislative decisions would vote in the legislature the number of votes given him when he was elected. Every citizen-voter in the state would be equally represented by the one he selects. He would have a choice of three candidates nominated by at least two political parties. Each citizen-voter in the state would then be equal to every other citizen-voter regardless of the size or location of his district.

The counting of such votes by the electronic roll call now used by the Illinois House of Representatives would be no problem in Illinois nor in any of the twenty-six other states that use an electronic roll call. This device can record almost instantly the vote of each member in hundreds of thousands as easily as it can record a single one. Even a clerk with an adding machine or a grocery store cash register could give the results of a non-electric voice roll call as soon as the call is completed.

By way of example: Illinois now has 59 Representative Districts and 177 representatives in the General Assembly. In the November, 1956, election using the 1955 apportionment, District 45 had the equivalent of 57,793 citizen-electors casting three votes each, or 173,379 votes for representatives in the General Assembly; District 6 had 119,328 citizen-electors casting 357,984 votes, more than twice as many, for the same office. Each of these particular instances was a contested election with four candidates — two nominated by each political party. Three were to be elected, the low candidate losing. Under the weighting system here proposed, the weights for all votes for the losing candidate would have been "lost" to the district. However, under the proposed system the two major parties would learn that the district's and their own voting power in the legislature would be maximized by nominating not more than three candidates, each party agreeing on which should nominate two and which should nominate one candidate. Because each party's strength would be about the same whether it were carried by one representative or were divided between two, agreement should be easy.

Had this been the case in the above instance and had all the votes for the losing candidate been given to the successful one of his party, their votes in the November, 1956, election and, by this proposal, their weights on legislative matters in the next (70th) General Assembly would have been distributed as follows:

Representative	*Party*	*Vote and Weight*	Ratio to Lowest Vote	
			Individual	*District*
District 45				
Hall	R	47,863.5	1.0	
Martin	R	54,579.0	1.1	
Smith	D	70,938.0	1.5	
		173,380.5		1.0
District 6				
Carroll	R	133,802.5	2.8	
Simmons	R	121,513.0	2.5	
Halpin	D	102,608.0	2.1	
		357,923.5		2.1

Comparing the two districts in this example, District 6 would have 2.1 times the voting weight of District 45. In terms of the voting weight of Mr. Hall, the other representatives in District 45 would have slightly greater weight, while all those in District 6 would have over twice as much as Mr. Hall — Mr. Carroll having almost three times as much. None would have any more than he had been given by electors nor more than enough adequately to represent citizens of the state and of his district in the legislative decisions of the House of Representatives.

The case would be similar for each of the 177 representatives. The votes, whether in hundreds or hundreds of thousands given each of them by their electors, would be the weighted vote each representative gives on roll calls of the House. A majority of the weighted votes would decide the result.

In practice, much of the old-time equality of legislators would still continue. Notice that the proposal would weight the votes only on "legislative enactments." These are those that would enact law or establish policies for the state and those concerned with the advancement of bills toward enactment and the management of the House for this purpose. Examples would by organizing the House and adopting and interpreting its rules, actions of the Committee of the Whole House, and the advancement and final passage or rejection of bills.

Much of the legislators' work is that on committees. For most of this work, weighted votes would not be appropriate and would not be used. Editing, inspections, and investigations would be the finding of facts as distinguished

from establishing policies. This kind of work, like that done by a jury, would be work of individual minds and the reports would be of individuals, unweighted (except by one each). The particular applications of this general principle would be covered by the House rules and in case of dispute ultimately, as an item of policy, would be decided by the weighted votes.

Most of the enactments of a legislature are noncontroversial and are decided almost unanimously. Weighted votes make little difference in such decisions. Actions by voice vote and without request for a call would continue as now. It is in controversial measures that weighting might be critical.

In debate, committees, and much of the routine work of a legislature, all representatives would be as equal as at present and free to use their talents of knowledge, ability, and leadership. Only in votes enacting law and policy for the state would weighted votes be used to register the weight of those electors back home given to each representative at election time. This is reasonable in order that it may be truthfully said of each law as required by the Illinois Constitution (IV-11): "Be it enacted by the People of the State of Illinois represented in the General Assembly."

Such weighting of votes is not new. It has been done for years in business. In corporation meetings each shareholder votes the number of shares he owns or for which he holds proxies. Labor union federation delegates vote the membership strength of their respective unions. In politics, state law in Illinois for years has required each member of political party committees "to have one vote for each ballot voted in his [district] by the primary electors of his party" in the preceding primary election.

In fact weighting may not and can not be escaped. Either the votes of legislators must be weighted, as here proposed to equalize the representation of the people, or the people themselves are necessarily weighted[1] so that the legislators may enjoy social-club-like equality regardless of the number of people each may represent. Unavoidably it must be the one or the other.

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[1] This weight may be expressed in terms either of the average district population or of the population of the district with the least population. It is, for the first, the ratio of the average population to that of the given district; for the second, it is the ratio of the least population to that of the given population. Of three district populations A = 25,000, B = 50,000, C = 75,000, these weights would be:

(1) in terms of the average; $A = \frac{50,000}{25,000} = 2 \quad B = \frac{50,000}{50,000} = 1 \quad C = \frac{50,000}{75,000} = \frac{2}{3}$

Each citizen of A is worth twice that of B; C is only ⅔ of B.

(2) in terms of the least; $A = \frac{25,000}{25,000} = 1 \quad B = \frac{25,000}{50,000} = \frac{1}{2} \quad C = \frac{25,000}{75,000} = \frac{1}{3}$

The citizens of B are weighted by ½ or worth ½ as much as those in A, and the citizens of C have a weight of ⅓, or only ⅓ the representation of those of A.

The Advantages

1. *It would give the citizen-voter a real choice of representative*

The citizen-voter may select of three candidates, nominated by at least two parties, the one he believes will best represent him, give the weight of his vote to that one and discard or give no weight to the others; or divide his votes among two and discard the other one. This would be a welcome change in Illinois where usually, in at least half the districts, only three candidates are nominated, with the result that in the November election the citizen-voter has no choice whatever for this important office and, in practice, is actually disfranchised.

2. *Every voter in the state would be equal in representation*

Equality of representation would be achieved to a degree impossible except in elections from the state at large. It is, in practice, impossible to apportion the state into districts of equal population especially when, as is usually the case, adjustments must be made by adding or withdrawing entire counties. Thus, in the Illinois 1955 apportionment, District 6 compared with District 45 of the above example had more than twice as many voters, each having less than half as much representation in the General Assembly. Such reapportionments are obsolete before they are used for their first election. Weighting by this proposed plan automatically and almost perfectly corrects this inequality. It makes re-equalizations not just once a decade using stale census data, but every two years, and produces re-equalizations as up-to-date as the very day of the election only two months before the legislature first meets.

3. *Weighting could greatly simplify the problem of reapportionments*

Reapportionments are the time-and-energy-consuming decennial plague of all states using the district system of representation. Weighting would reverse a built-in bias *against* reapportioning into a bias *in favor* of it. Reapportionments under unweighted or unitary voting require reluctant majorities to vote some of their own number out of office and to reduce the over-representation of their own constituents in favor of increasing the number of districts for a small under-represented minority. To such reluctant majorities excuses for inaction easily seem persuasive.

Under the proposed weighted-vote plan, however, no citizen would lose or gain representation by reapportionment. The majority representatives, although required to reduce their own number somewhat, would, on the other hand, thereby both increase their own individual voting weight and reduce the over-average weight of representatives from the small number of under-represented districts.

4. *Weighting would make compulsory reapportionment devices unnecessary*

Equality of representation being no longer dependent on reapportionments alone, and the personal interests of most legislators being in favor of re-equalizations, compulsory devices designed to force redistricting would no longer be necessary. Illinois could repeal its "Russian roulette" provision for the election of 177 representatives from the state at large with every citizen-voter having 177 cumulative votes to distribute "as he sees fit." Other less drastic devices might be dropped or elevated to noncontingent status with functions as suggested in the following paragraph.

5. *Political party gerrymanders would be made useless by weighting*

Each party's full voting strength would be realizable regardless of district boundaries. Personal gerrymanders by individual legislators would, of course, continue to be "the prime consideration" as long as legislators are required to lay out their own districts. This inescapable "conflict of interest" might make advisable the decennial election or selection of a commission for this purpose made up of personnel ineligible for membership in the resulting legislature.

6. *Weighting as here proposed could eliminate one apportionment*

The House of Representatives could be based on the equality of citizen-voters and still be elected from Senate Districts apportioned on considerations other than the approximate equality of district populations. This use of Senate Districts for electing representatives would require one instead of two periodic reapportionments.

7. *Weighting maximizes rapport and responsibility between representatives and their constituents*

Each legislator would continue to use his best judgment to represent all the people of his district and even the people of the state as a whole. But each citizen-voter who selects these legislators could know how his own vote affects the actions of the legislature. This citizen-voter could watch the roll calls and say, with pride or with regret, "three of those votes are mine" or "my votes were not counted when my representative missed that roll call."

8. *Weighting would stimulate and revive interest in voting*

It would increase each community's interest in the honesty of elections and spur get-out-the-vote campaigns to maximize each community's voting power in the legislature. This would healthfully increase popular participation in elections and public affairs.

Practical Consequences

But why be so particular? Why bother? Are not reapportionments, rough as they are, good enough? Has any harm ever been done?

Harm has been done when laws for all have been made by representatives of less than a majority of the people and where actions desired by a majority have been prevented by the representatives of a minority. This happened in Illinois at the latest General Assembly, the 70th in 1957, the Assembly chosen after a brand new, presumably "perfect" reapportionment and even after a revision of the constitution for the purpose. In this 70th General Assembly there are at least six instances of minority rule in the House of Representatives: on May 27 and 31, on June 3, 10, 13, and 24 the deciding majority represented fewer people than did the losing side. Two laws were passed by 90/177 of the representatives, who actually represented less than half the people of the state.

In many other states, because of conflicts between older and newer residents, rural versus urban, up-state versus down-state, east versus west, north versus south, the legislature is controlled by the representatives of minorities. This does not meet our approval for "free elections" in Korea, middle Europe, or even here. Senator Paul H. Douglas has commented: "Until the state legislatures have been reformed, the plea [of under-represented cities] for Federal action will remain strong and just."

In a similar vein, Meyer Kestnbaum, as chairman of the Commission on Intergovernmental Relations, reported to President Eisenhower:

> Reapportionment should not be thought of solely in terms of conflict of interest between urban and rural areas. In the long run, the interests of all in an equitable system of representation that will strengthen state government is far more than any temporary advantage to an area enjoying over-representation. . . .
>
> For these and other reasons, the Commission has come to the conclusion that the more the role of the states in our system is emphasized, the more important it is that the state legislature be reasonably representative of the people.

Philosophic Basis

We are understandably disturbed about inequalities. We are a people who have been taught that each of us is a child of One, Our Father, Who numbers every hair of our head, and lovingly and unfailingly seeks a single stray 'tho ninety and nine lie safe at home. In this tradition *each individual* is important and should be equally represented in the legislature. Those who would modify equality of representation in favor of "government by the best people" from the "better sections" are, in effect, proposing a form of rejected "aristocracy."

Representativeness in our legislatures may be tested for four elemental qualities: 1. Are all individuals and electors counted equally — even those who disagree with us? 2. Are significant minorities represented in the legislative deliberations without weakening the control and responsibility of the majority? 3. Does each elector have a real choice of candidates for representatives? 4. Is there effective rapport and responsibility between constituent and representative?

The proposed plan to weight the legislative enactment votes of legislators selected by "cumulative" voting, three from a district, by the votes each receive when elected, meets all of these requirements. It is a fresh suggestion for sharpening the tools of democracy used in a republican form of government. It is a long overdue correction for the widespread, often flagrant, inequalities in the representation in our legislatures. It is an "idea whose time has come."

Revisions of constitutions would be required to adopt this plan. Illinois, because it already has the Marshall-Medill minority representation plan, should lead the way. However, other states where revision of the basis of representation is more imminent may achieve this distinction of leadership. This equal representation plan is no substitute for watching our liberties with eternal vigilance. But it might tend to make that vigilance less frustrating and more effective by improving the representativeness of our legislatures.

A TYPOLOGY FOR NONPARTISAN ELECTIONS

CHARLES R. ADRIAN
Michigan State University

AT NO TIME since the beginning of the use of nonpartisan elections[1] has there been an attempt to integrate this particular part of the elections process into the total pattern of American politics. Most of the authors of the textbooks in state and local government or political parties make some mention of the use of the nonpartisan ballot, but their comments make it clear that little material is available upon which to make generalizations. The writer of one popular textbook on political parties makes no reference to nonpartisanship at all.[2] Yet this type of ballot cannot be dismissed lightly. It is used for 61 per cent of the elections of councilmen in cities of over 5,000 population. In smaller communities the percentage is probably higher and, in addition, various other officials — judges, school board members, township and county officials and legislators — are sometimes selected through use of the nonpartisan ballot. The total number of offices filled by this method is probably equal to more than one-half of the total number in the United States.

Whenever nonpartisan elections are mentioned in textbooks or in reform literature, they are usually glossed over lightly. The textbook writer is hamstrung by a lack of research, or at least of publishing, and can do little more than to note that this type of ballot has probably resulted in the elimination of political party activity in many elections, but that this situation is not universal and that nonpartisan elections do not actually guarantee nonpartisanship. The reform literature almost invariably defends this type of ballot, arguing from strong conviction and weak empirical data that political parties can and should be eliminated from local elections where they have no proper place. Little more information is to be found.

SOME BASIC DISTINCTIONS

In order to try to study elections where the name of a party is not permitted on the ballot, some basic distinctions should be made as a start. In the

[1] The term "nonpartisan elections" is a misnomer, but because of its general acceptance and the cumbersome nature of any more accurate description, it will be used throughout this article. For purposes of definition, "nonpartisan elections" should be taken to mean "elections in which a ballot is used containing no party designations."

[2] V. O. Key, Jr., *Politics, Parties, and Pressure Groups* (4th ed.; New York: Crowell, 1958). It would appear that in Key's general analysis, elections without party designation do not differ in kind from the quasi-nonpartisanship of the one-party states. See his *American State Politics* (New York: Knopf, 1956), especially chapter 4, "Nonparty Politics." Oliver P. Williams and I are conducting a study at Michigan State University into the patterns of leadership and the role of interest groups in four middle-sized, council-manager cities in Michigan which have nonpartisan elections. From this, we hope to be able to make some generalizations which may permit a comparison of the pattern in these cities with the pattern of general elections in one-party states.

first place, it is necessary to distinguish between the absence of *groups* in a political campaign and the absence of *party organization activity*. The *slate* system of politics, found in some nonpartisan campaigns, differs widely in practice from the party system, or at least the two-party system. Slates of candidates, endorsed by groups, do not constitute political parties. While they are a guide to the voter faced with the bedsheet ballot, they differ from parties in that, in practice, there is little or no collective *responsibility* for a slate of candidates and there is a good deal of duplication of names from one slate to another (although this happens occasionally in partisan campaigns, too, as in New York through the endorsement policies of the Liberal party). Furthermore, the absence of the label on the ballot weakens the group and its slate as compared with the party and its slate in a general election where labels are permitted. A confusion between the use of slates and of parties in campaigns was created by some of the early adherents of nonpartisanship who wished to establish nothing but voting "for the man" in elections, with group affiliations being regarded as not only unnecessary, but a positive evil. These reformers wished to eliminate controversy in an area where controversy was to be found by the nature of the political process — that is, in an area where competition for public office existed or could exist. In any case, confusion on this point appeared early and has stayed late. It is to be found, for example, in the article, so often quoted, by Charles A. Beard in the March, 1917, issue of the *National Municipal Review*.[3] Beard declared that "the abolition of city parties by statutory devices is a delusion," but cited only Boston in support of his position and declared that the situation in Dayton (Type II, below) could not last. (It apparently has, however.) Throughout the article, Beard switched unaccountably from a discussion of the absence of parties to the absence of groups, and back again.

A second distinction should also be made: a distinction between the *possibility* of eliminating parties and the *desirability* of doing so. Beard, among others often quoted, again failed to make this distinction. Involved in this case, of course, is a confusion between a question of political behavior that may be observed and political values that an individual might subscribe to as part of his own philosophy.

A third distinction is one between party *activity* in connection with campaigns involving a ballot without party designation and party *responsibility* in those areas. Major party organizations are active to a degree, certainly, in the Minnesota legislature, but they assume no responsibility for those activities. This is also true to a varying extent in some municipal elections, including those in Minneapolis, Detroit, and Los Angeles.[4]

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[3] "Politics and City Government," *National Municipal Review*, VI (March, 1917), 201–5.

[4] Charles R. Adrian, "The Nonpartisan Legislature in Minnesota" (Ph.D. thesis, University of Minnesota, 1950); and "Some General Characteristics of Nonpartisan Elections," *American Political Science Review*, XLVI (September, 1952), 766–76; Robert G. Scig-

A final distinction is the one to be made between *attempting* to introduce partisanship and actually *succeeding* in doing so. The fact that party organizations may try to retain their traditional role in campaigns does not mean that they succeed. The truth is that wherever nonpartisan elections are held, the organizations of the major political parties may play a large, a moderate, or, as appears to be most common, a small or almost nonexistent role in campaigns. The party organizations in these elections seldom become more than another set of groups among the several active in the campaign. When the long ballot is used without labeling the candidates, the party is no more advantaged than is any other group that may be active in a campaign. And whatever the political party role, nonpartisan elections produce a different type of campaign and of political pattern from that where the partisan label appears on the ballot. (One exception is mentioned below.)

The Growth of Nonpartisan Elections

As early as 1877, the forerunners of the reform movement in local government, seeking a way to divorce local politics from that of state and nation, urged nonpartisan elections as a solution.[5] The idea became very popular after the beginning of the present century. Particularly in connection with the commission and council-manager forms of government, it became an accepted technique for securing so-called "businesslike" management of cities. The plan even spread to state judicial offices and, in 1913 through something like a comedy of errors, to the Minnesota legislature.[6] Today, 61 per cent of the municipalities of over 5,000 population in the United States elect the members of their governing bodies without party designation (Table I), and the trend has been steadily toward a higher percentage (Table II). The great bulk of council-manager city elections are on a nonpartisan ballot, since this is the form of government that was associated from the beginning with the "businesslike" approach of the reform movement. Since 1940, the over-all increase in the percentage of nonpartisan elections — an increase from 56 to 61 per cent — has been almost entirely a result of the increase in the number of council-manager cities. This trend has been especially marked since the end of World War II. In 1946, 19 per cent of all municipalities over 5,000 population used the council-manager plan. By 1956, this figure had increased to 34 per cent. Since the trend toward adoptions of this type of government continues, the trend toward the use of the nonpartisan ballot can be expected to continue toward higher percentages.

liano, "Democratic Political Organization in Los Angeles" (Master's thesis, University of California, Los Angeles, 1951).

[5] In the *Report* of the Committee to Devise a Plan for the Government of Cities in the State of New York (1877). The reform movement and its values are discussed in Charles R. Adrian, *Governing Urban America* (New York: McGraw-Hill, 1955), pp. 56–63.

[6] Charles R. Adrian, "The Origin of Minnesota's Nonpartisan Legislature," *Minnesota History*, XXXII (Winter, 1952), 155–63.

TABLE I

NONPARTISAN ELECTIONS FOR GOVERNING BODIES, MUNICIPALITIES OVER 5,000 — 1956

Type of Municipal Government	Percentage with Nonpartisan Ballot	Type of Municipal Government	Percentage with Nonpartisan Ballot
All Types	61	Commission	62
Mayor-Council	45	Representative Town Meeting	74
Town Meeting	55	Council-Manager	86

SOURCE: Municipal Year Book (1957), p. 73. Based upon 2,434 municipalities reporting. Population from 1950 census.

TABLE II

TREND TOWARD NONPARTISAN ELECTIONS FOR GOVERNING BODIES, MUNICIPALITIES OVER 5,000

Year	Percentage of Municipalities, Nonpartisan Ballot		
	All Types of Government	Mayor-Council Types	Council-Manager Types
1938	51	35	84
1940	56	43	86
1942	56	43	86
1944	56	43	86
1946	57	43	83
1948	57	43	81
1950	61	47	86
1952	59	45	85
1954	60	45	84
1956	61	45	86

SOURCE: Municipal Year Book, various issues. Population of municipality based upon preceding census.

A TYPOLOGY

An examination of the approximately 1,500 municipal councils (in communities of over 5,000 population) and two state legislatures whose members are selected on a nonpartisan ballot would reveal considerable variation in the kinds of campaigns that take place, as well as in the role of both political parties and other organized groups. At least, this appears to be the case on the basis of such data as are now available. In order to encourage further inquiry into the nature of the political process at the local level, I have tried to categorize such information as can be gleaned from a variety of sources into a typology for nonpartisan elections.

Type I. Elections where the only candidates who normally have any chance of being elected are those supported directly by a major political party organization

In these cities, a short ballot is used, political parties are highly organized and, in effect, the classic Australian ballot is in use. Candidates are easily identifiable as to their party affiliation even though this information does not

appear on the ballot. The arrangement is much the same as that to be found in Australia or the United Kingdom. The important characteristic of Type I is that the election contest is *perceived* of by the voters as fitting essentially into the same pattern as that of the factional struggles for office under the partisan ballot. In these cities "nonpartisan" elections are not seen as differing in kind from partisan elections.

Chicago is the most obvious example of this type. Its aldermen are chosen in single-member constituencies on a ballot without party designation. In most wards, party organizational support is essential to election. Boston, until after World War II, also fell into this category. Under the 1910 charter,[7] which established nonpartisanship, there was a mayor and a council of nine, three elected each year for three-year terms. In 1925, this was changed to a council of twenty-two, elected by wards. Under either system, a highly organized party could operate effectively. Although James Michael Curley, long-time boss and mayor, was often strongly opposed in primary and general elections, the organizations supporting competing candidates generally had more the character of *party factions* than of *non-party* groups. In 1949, a new charter providing for a nine-member council elected at large which made identification of individual candidates more difficult for the voter, the decline of Curley's organization, and the rise of a strong non-party group opened the way for a more conventional (Type II) pattern of nonpartisan elections.

New Orleans may, in some of its recent history, have fitted into Type I; Jersey City probably did during the days of the Hague machine and so did Cleveland until recent years. There may be other examples, too, but certainly this type is an uncommon one. By and large, the reformers' goal of eliminating national party political activity from local elections appears to have succeeded remarkably well. The lack of party labels on the ballot seems to have contributed toward achievement of this goal, although other factors may also have been involved.

Type II. Elections where slates of candidates are supported by various groups, including political party organizations

This is a system under which there exists "omnipartisan" government through fusions of groups.[8] The voters perceive nonpartisan elections as being of a type that differs in kind from partisan elections. Groups identifiable as party organizations are active, though this activity may be attacked by non-party groups as being improper, and non-party groups compete with party groups through the support of slates of candidates.[9]

[7] Robert J. Bottomly, "The Boston Charter," *National Municipal Review*, VI (March, 1917), 224–28.

[8] John J. Murphy, "Nonpartisanship in Municipal Affairs as Illustrated by New York's Experience," *National Municipal Review*, VI (March, 1917), 217–18.

[9] See Marvin A. Harder, *Nonpartisan Elections: A Political Illusion?* (New York: Holt, 1958). This is a case study in Wichita.

The Minnesota legislative elections offer an example of this type. The political parties give pre-primary endorsement to candidates — especially the Democratic party does — and there is a limited amount of financing of candidates by the two parties. There is a correlation (it varies over time) between membership in the two caucuses and membership in the major parties. On the other hand, an overwhelming majority of the legislators are *not* active in the affairs of the regular parties (this is true, historically, even of the chief legislative officers), most candidates must find their own financing, party activity and support is sometimes a disadvantage to the candidate, and there is no party or other group responsibility for the policies of the majority caucus in either house.[10]

The commission plan of government in Omaha with its seven members elected at large has operated somewhat in this fashion,[11] as has the Minneapolis weak-mayor system.[12] A somewhat unusual touch is added in Dayton. General political parties (in this case, Democratic and Socialist) have been active and influential in only one election since the council-manager form of government was adopted in that city in 1914. A business community hegemony, usually under the name of the Citizens' Committee, has established and maintained a conservative, non-party government in the city over many decades. The Committee follows the practice of clearing candidates for the five council seats at large with the leaders of the major parties and the editor of the newspaper. The parties do not choose the candidates and no "deals" are made, according to Richard S. Childs, but a check is made to ascertain that neither party will campaign directly against the Committee slate.[13]

Cincinnati, with its well-known municipal system of politics involving the regular Republicans and the Charter party, both well organized, falls into this second classification, too. These two groups dominate because they are the best organized in the city for political purposes. Cincinnati government is unusual in many ways, not the least of which is the manner in which the two parties come close to being held collectively accountable for the actions of their members on the council.[14]

The dominant characteristic of government in Albuquerque over several decades "was the formation, by opposing factions, of two- or three-man slates oriented toward business or political groups, with committees organized for

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[10] Adrian, "The Nonpartisan Legislature in Minnesota," *op. cit.*

[11] Victor Rosewater, "Omaha's Experience with the Commission Plan," *National Municipal Review*, VI (March, 1917), 281–86.

[12] Robert L. Morlan, "City Politics: Free Style," *National Municipal Review*, XXXVIII (November, 1949), 485–90.

[13] See Richard S. Childs, *Civic Victories* (New York: Harper, 1952), Appendix H, "It's a Habit Now in Dayton."

[14] There is a good deal of material on Cincinnati municipal politics. The most recent, and perhaps the best, is Ralph A. Straetz, *PR Politics in Cincinnati* (New York: New York University Press, 1958).

the purpose of electing a complete slate of candidates under a pseudonyn for a party ticket." [15] Each slate had platforms, precinct organizations, campaign headquarters, fund-raising drives, "city-wide electioneering by candidates" — and often a tie-in with state political parties.

Major party influences in Seattle mayoralty campaigns have been spasmodic, though at times (as in 1938 and 1948) very obvious. With the exception of one mayor in the 1930's, partisan influences have not extended beyond the campaign and party actives have kept their party activity separate from their participation in municipal politics — the two kinds of behavior have been conceived of as two separate social roles. Contests for the nine-member council elected at large, on the other hand, have not had important political party activity connected with them. Slates and local parties have been of some importance, and factional competition was high during the 1930's, although it has since diminished. So far as the national parties are concerned, however, "the typical councilman leaves all partisan work behind him when he enters the council, and is seldom seen at partisan meetings." [16]

In California, an inquiry among 192 cities of all sizes revealed that in only 18 of them, or 9 per cent, was "public or openly visible activity" present on the part of organizations identified with the major political parties. The larger the city, the more likely it was that party groups would be active *as party groups*, however, and 25 per cent of the 20 cities over 50,000 reported some such activity. Party activity was found to be especially important in Berkeley and Pomona.[17]

In elections of the second type, then, political party organizations are fairly active, but are forced to compete with other groups when offering slates at an election.

Type III. Elections where slates of candidates are supported by various interest groups, but political party organizations have little or no part in campaigns, or are active only sporadically

In these cities, party affiliations of candidates are either unknown, or the affiliation is regarded as unimportant by the voters. Known Republicans may support known Democrats, and vice versa. In one study, the number of voters favoring the six candidates for the office of mayor of Denver did not differ materially between those who were told the candidates' party affiliations and those who were not. In general, "political awareness of and interest

[15] Dorothy I. Cline, *Albuquerque and the City Manager Plan* (Albuquerque: University of New Mexico, 1951), pp. 11–12.

[16] Gordon C. McKibben, "Nonpartisan Politics: A Case Study of Seattle" (Master's thesis, University of Washington, 1954).

[17] Eugene C. Lee, "The Politics of Nonpartisanship in California City Elections" (a paper presented at the annual meeting of the American Political Science Association, 1957).

in the party affiliation of all the candidates were extremely low." [18] In cities of this type, identifiable party organizations are not only not likely to be active, but in situations where they are active they are quite certain to encounter opposition from non-party groups and their efforts will be weakened because of latent opposition stemming from a community tradition that excludes them from participation in nonpartisan elections.

Type III would appear to be far more common than is either of the first two. Richard S. Childs in a study of nonpartisan council-manager cities of over 5,000 population found that in only 3 cities out of 48 were the activities of the political parties of any consequence in elections — and the three exceptions were not important. In 48 per cent of these cities, the *slate* system was important, however.[19] About 42 per cent of the 192 cities in the California study by Eugene C. Lee fit into this type, too. In many of these cases, however, group activity was not present in every election and in some of them it was rare. Only 25 per cent of Lee's respondents reported that organized groups participated *regularly* in the local election process.

Some cities that would appear to belong in Type III include Los Angeles, San Francisco, Kansas City (since Pendergast), Detroit, Dallas, Fort Worth, Long Beach, Sacramento, and Flint.[20] These cities appear to have political pictures that resemble one another in remarkable degree.

The Nebraska legislature probably belongs in this category. Although some of its members are active in political parties, most of them are not. Only two or three mention party activities in each issue of the *Nebraska Blue Book* and one's political affiliation, if any, appears to be of no consequence in either election campaigns or in subsequent organization of the unicameral legislature.[21]

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[18] G. W. Pearson, "Prediction in a Non-Partisan Election," *Public Opinion Quarterly*, XII (Spring, 1948), 115. See also Lee, *op. cit.*, for a similar finding in California. On the basis of these two studies and the preliminary findings of the research Oliver P. Williams and I are conducting in Michigan, it would appear that modifications should be made in hypotheses 2, 3, and 4 in my article, "Some General Characteristics of Nonpartisan Elections," *op. cit.* A more accurate statement of the relationship of candidacy in nonpartisan to partisan elections would be something like this: *the voting public views participation in partisan and nonpartisan elections as two different kinds of activity, each independent of the other*; and *the nonpartisan office-holder is normally expected by the voting public to keep any party activity on his part separate from his role in nonpartisan office.*

[19] Childs, *op. cit.*, Appendix C, "500 'Nonpolitical' Elections."

[20] See the Childs articles already cited, plus his *op. cit.*, Appendix A, "We Must Keep Ballot Short"; Scigliano, *op. cit.*; S. B. and Vera H. Sarasohn, *Political Party Patterns in Michigan* (Detroit: Wayne State University Press, 1957), p. 58; Maurice M. Ramsey, *Some Aspects of Non-Partisan Government in Detroit* (Ph.D. thesis, University of Michigan, 1944); George S. Perry, "The Duke of Dallas," *Saturday Evening Post*, June 11, 1955, pp. 36 ff.; Lee, *op. cit.*; and C. H. Clark, *Some Aspects of Voting Behavior in Flint, Michigan — A City with Nonpartisan Municipal Elections* (Ph.D. thesis, University of Michigan, 1952).

[21] See Adrian, "The Nonpartisan Legislature in Minnesota," *op. cit.*, pp. 331–53.

The evidence cited in connection with Type III bears witness to the great success reformers had in reaching their goal of eliminating the regular parties from participation in nonpartisan elections. Whether this development was desirable or not and whether other factors contributed or not, the fact is that for the most part the major parties were effectively barred from campaigns after labels were removed from the ballot.

Type IV. Elections where neither political parties nor slates of candidates are important in campaigns

This type appears to be very common, possibly even more so than Type III, and is especially likely to be found in cities of under 5,000 population where the "politics of acquaintance" is especially strong.[22] Childs found that 46 per cent of his sample (*all* of his cities were over 5,000 population) belonged in Type IV, and so did "almost half of the cities" in Lee's California study, which represented incorporated cities of all sizes. According to Lee, the typical pattern is "the development of support, organization and funds by the individual candidate himself on an ad hoc basis. Rather than being recruited by a group and assuming its apparatus, the average candidate must build his own campaign from the ground up."

There may be a direct correlation between size of community and its likehood of fitting into Type IV. Other direct relationships seem to be with the presence of a short ballot, a weak political party structure, and possibly with the degree of competition that traditionally exists in the community for election to local office.

Summary

This paper has offered a typology for nonpartisan elections. Previously unassembled materials have been collected and analyzed with the end in view of encouraging and improving further research into the local political process and the relationship of that process to the total American political system.

The data reported on indicate that after the adoption of the nonpartisan ballot, the regular political party organizations may seek to continue to exercise their traditional monopolistic control over the filling of public offices, but that their efforts in nearly all cases fail. With the exception of a few cities with strong political party organization and traditions of party activity in all elections (Type I), parties, if they remain active at all where the nonpartisan ballot is used, do so in competition with non-party groups that are perceived by the voters as differing in kind from organizations associated with the major political parties. Party organizations may sometimes be quite effective because they are better organized than are other groups, and because community traditions are at least to a degree tolerant of their activities (Type II), but this is

[22] The term is used in Lee, *op. cit.*

not usually the case. Where party organizations are involved, they are held no more responsible for their activities than are other groups.

In most nonpartisan elections, organizations identified with the major political parties are of little or no importance in determining the outcome and most candidates are not active participants in political party activities. In many communities where no overt party participation is present, organized groups using the *slate* method of endorsement may be found (Type III), but in some cases these groups are not organized on a permanent basis and are not *regularly* active. In an unknown, but apparently large, number of nonpartisan elections neither political party organizations nor organized groups with slates of candidates are to be found. Politics is on a personal basis and the candidate must shift for himself (Type IV).

With a few exceptions, nonpartisan elections have accomplished what they were originally designed to do. They have effectively removed the regular political party machinery from involvement in certain kinds of local, judicial, and state elections.

THE ELECTORAL SYSTEM AND VOTING BEHAVIOR: THE CASE OF CALIFORNIA'S CROSS-FILING*

ROBERT J. PITCHELL
Indiana University

ON THE DAY following the 1956 primary election in California, leaders of both parties predicted an end to the cross-filing law which had applied in one form or another to primary elections since 1914.[1] The 1952 amendment to the cross-filing law had resulted in dramatic changes in electoral results in 1954 and 1956 — changes which were sufficient to modify and subvert the original purposes and subsequent operation of the 1913 law.[2] Whether or not cross-filing is abolished in the near future, the data now available make possible a long-range analysis of a much neglected area of voting behavior study — the influence of the structure and operation of the electoral system upon voting results.

Development of cross-filing legislation in California

The first cross-filing law was an outgrowth of the fight by California reformers for the direct primary as a means of beating the Southern Pacific machine.[3] The Direct Primary law was enacted by the reform legislature in 1909 after several previous attempts had been aborted on constitutional or legal technicalities in 1897, 1898, 1899 and in the early 1900's.[4]

The Direct Primary law contained stringent party affiliation tests for candidates seeking nomination. A candidate had to declare by oath that he had been affiliated with the party at the last general election, or that he had voted for a majority of the candidates of that party or had not voted at all, and that he intended to vote for the candidates of that party at the ensuing election.[5]

The reformers found that they had not achieved all they desired because the law made it easy for the regular partisan candidate and difficult for the independent Republican or Democrat to secure nomination.[6]

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* The California legislature has just abolished cross-filing as this article goes to press.

[1] *San Francisco News*, June 6, 1956, p. 1; *New York Times*, June 10, 1956, p. 65.

[2] The literature on cross-filing in California has increased rapidly as agitation has mounted for its repeal. Studies now available include: Robert E. Burke, "Cross-Filing in California Elections, 1914–1946" (Master's thesis, University of California, Berkeley, 1947); Burke, "Four Essays on Cross-Filing in California Elections" (unpublished manuscript); Robert W. Binkley, Jr., "Double Filing in Primary Elections," *1945 Legislative Problems, No. 5* (Berkeley: Bureau of Public Administration, University of California, 1945); Dean E. McHenry, "Cross Filing of Political Candidates in California," *Annals of the American Academy of Political and Social Science*, 248 (November, 1946), 226–31; Evelyn Hazen, "Cross Filing in Primary Elections," *1951 Legislative Problems, No. 4* (Berkeley: Bureau of Public Administration, University of California, 1951); Commonwealth Club of California, *The Legislature of California* (San Francisco: Parker, 1943), chap. iv.

[3] *The Legislature of California*, p. 117, fn. 7.

[4] *Loc. cit.*

[5] Cal. Stats. 694 (1911).

[6] Franklin Hichborn, *Story of the Session of the California Legislature of 1909* (San Francisco: Barry, 1909), pp. 71–72.

In the next legislative session, which was firmly in the control of Hiram Johnson's Progressive supporters, an amendment was passed[7] providing for the weakening of partisan tests for candidates, the elimination of party designation on the ballot for judicial and school offices, and the abolition of the party circle and the party column. Under this amendment the candidate's affidavit had only to affirm that he intended to affiliate with the party and vote for a majority of its candidates. This amendment lessened the importance of party regularity by eliminating consideration of the candidates' past records.

The Progressives were victorious in the state legislature again in 1912. They were also in control of the Republican party machinery in the counties, but the Roosevelt–Taft split in 1912 had formed such a bitter breach between the two groups that it was evident to the Progressives that they could not continue to dominate the Republican party for long.[8]

The answer to the problem was to move closer to nonpartisanship by abolishing a party test for candidates and allowing any candidate to cross-file for the nominations of other parties for the same office. This was achieved in the 1913 amendment to the Direct Primary law. The amendment read: "Nothing in this act contained shall be construed to limit the rights of any person to become the candidate of more than one political party for the same office...."[9] At the same time all local elections were made nonpartisan. With this amendment in force the Progressives could pull out of the Republican organization and form their own party, which they did in December, 1913.

In 1914 the Progressives were entitled under the law to file for the Progressive, Republican, and Democratic nominations if they wished. In this way they could be registered Progressives and still keep old-guard Republican candidates out of the general election if the Progressive candidates could win the Republican nomination in the primaries. An added enticement was the possibility of filing for and winning the Democratic nomination too, thereby winning victory in the primaries.

The results of this strategy were only partly satisfying to the Progressives in the 1914 election. Of the 72 candidates who were successful in cross-filing across one or both of the other two major-party lines in the 123 contests of that year, 42 were Progressives, 16 were Republicans, nine were Democrats, four were Prohibitionists and one was a Socialist. Eleven Republicans, six Democrats, one Prohibitionist and one Socialist were able to capture the Progressive nomination in addition to their own, thereby turning the new system back upon the Progressives.

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[7] Cal. Stats. 398 (1911).

[8] Mildred E. Dickson, "'Third' Party Technique: The Progressive Party in California, 1912–1916" (Master's thesis, University of California, Berkeley, 1937), p. 16.

[9] Cal. Stats. 1389 (1913).

The Progressives then decided to eliminate all problems of partisan opposition and they passed the State Non-Partisan Bill in 1915. This bill provided for the elimination of party designations on the ballot for all offices except United States senator and members of the House of Representatives.

The Non-Partisan Bill was held up for referendum to the voters in a special election in October, 1915, and was rejected by a vote of 156,967 to 112,681. This represented the full tide of nonpartisanship in California. Another less extreme try in this direction was made in 1916 with the passage of a bill establishing an open primary, but it, too, was rejected by the voters on referendum.

A step back toward partisan elections was taken in 1917 with the passage of the Hawson Amendment to the Direct Primary Act. This amendment provided that a cross-filing candidate would not be entitled to the nomination of any other party unless he received the highest number of votes in the primary of the party in which he was registered.[10]

The next year, however, the Democratic party had no official candidate on the ballot for governor after James Rolph, Jr., a Republican, won the Democratic nomination and lost the Republican nomination to Governor Stephens. The California Supreme Court ruled that the Hawson Amendment was constitutional and that the Democratic State Central Committee had no authority to fill the vacancy.[11] A Democrat, Theodore A. Bell, secured a place on the ballot as an independent but the Democrats were not too happy with the situation.

Another amendment to the Direct Primary Act in 1919 resolved the problem created by the Hawson Amendment by giving the state central committee or the appropriate county central committee(s) of the party the power to fill vacancies created by the Hawson Amendment with a registered member of that party.[12]

Numerous attempts were made to change the cross-filing system after 1919, but none was successful until 1952. Then the voters passed an initiative measure submitted by the legislature which provided that in primary and special elections the ballot must show the political party affiliation of each candidate for partisan office. This measure was an alternative to another initiative proposition which would have abolished cross-filing completely. The voters rejected the latter by a narrow margin.

Democratic and labor groups were instrumental in promoting the initiative measure to abolish cross-filing, and Republicans were instrumental in getting the legislature to submit the alternative proposition which was finally adopted. Republican forces, however, attempted to forestall the full effective-

[10] Cal. Stats. 1357 (1917).
[11] *Heney* v. *Jordan*, 179 Cal. 24.
[12] Cal. Stats. 53 (1919).

ness of the new law by interpreting the law to allow party designations to be printed on the ballot as "Dem." for Democratic and "Rep." for Republican. The reasoning was that uninformed Democratic voters might translate the abbreviation Rep. as Representative instead of Republican. The masquerade did not work, however, and the names of parties were spelled out in full on the 1956 primary ballot. It is not at all unlikely that the cross-filing system may soon be abolished completely.

Cross-filing has been a controversial electoral system partly because some of its effects have been obscure. Some politicians, too, have used it as an excuse to explain away failures due to other causes — often their own inadequacies. Sufficient evidence is available, however, to point up several effects and characteristics of the system as it has developed. The attitudes of both the candidates and the voters have affected the electoral results under this system, and the uses made of the system by candidates have often accentuated these results.

Use of cross-filing by candidates

The attitude of candidates toward cross-filing has varied in several respects. The Progressives created cross-filing to enable them to capture the nomination of one or both major parties and they cross-filed accordingly. Other minor party candidates, particularly the Socialists and Prohibitionists, have tended to be non-cross-filers. The Independent-Progressive party candidates began by cross-filing onto the Democratic ballot or filing only on their own ticket. In 1952 and 1954 the remnants of the Independent-Progressives tended to register as Republicans and cross-file on the Independent-Progressive ballot.

Most candidates have found it either desirable or necessary to cross-file although this has varied in time and by office. Over-all, 47 per cent of all candidates for all offices during the period 1914–56 have cross-filed on at least one other ticket (Table I). After the heavy use made of cross-filing by the Progressives in 1914 and 1916, it lost favor among Republican candidates for state-wide office during the one-party era of the twenties. Its use increased among legislative candidates as Democratic opposition decreased and Republicans discovered that they could eliminate the need for a general election campaign by winning both party nominations in the primary. The use of cross-filing dropped to its lowest point in 1932 as the two-party system returned to the state — only 20 per cent of the candidates cross-filing in that election. In the forties the use of cross-filing increased rapidly and is now used by more than four-out-of-five candidates for partisan offices.

Curiously, not all offices witnessed the same trends in cross-filing by candidates. Sixty-three per cent of the candidates for statewide offices cross-filed in 1914. This proportion dropped to 3 per cent by 1926, then began a steady rise in each election until 1946 when the high of 76 per cent cross-

TABLE I

PERCENTAGE OF CANDIDATES CROSS-FILING IN CALIFORNIA PRIMARY ELECTIONS, 1914–1956.

Year	All Elections	Statewide Elections	United States Senate	House of Representatives	State Senate	Assembly
1914	29	63	75	29	35	23
1916	35	....	20	22	37	37
1918	40	38	....	40	38	41
1920	34	....	0	24	43	34
1922	29	20	0	40	40	29
1924	35	....	....	37	30	36
1926	33	3	20	37	37	36
1928	37	....	20	58	37	36
1930	29	10	....	38	52	24
1932	20	....	10	8	39	22
1934	25	24	20	14	47	24
1936	35	....	....	26	56	36
1938	41	34	22	32	60	42
1940	41	....	63	32	71	40
1942	62	56	....	54	79	64
1944	74	....	75	66	94	74
1946	75	76	43	64	82	79
1948	70	....	....	67	88	68
1950	80	72	83	70	90	83
1952	82	....	40	77	90	85
1954	84	65	50	85	86	88
1956	83	....	33	83	89	83
Average 1914–56	47	42	39	45	57	46

Number of candidates includes major- and minor-party candidates.

Number of cross-filers includes all candidates who filed for the nomination of two or more parties, whether those parties were major or minor.

Data for 1914 and 1916 may not be completely accurate. Official records for those years do not identify write-in votes; hence it is not always possible to tell whether a candidate filed for the nomination of a second party and received votes therefrom, or did not file for a second party but received some write-in votes on the second party's ballot. This problem was generally solved by noting the lineup of party candidates in the general election. When this did not help, a small total of votes was interpreted as write-ins.

filing was reached. This dropped to 72 per cent in 1950 and 65 per cent in 1954.

Cross-filing by candidates for the United States Senate seats began at a rate of 75 per cent in 1914. But only Hiram Johnson cross-filed for this office in 1916, and no senatorial candidates used the system in 1920 and 1922. Less than 25 per cent cross-filed between 1926 and 1940, then it suddenly became the popular thing to do, and since 1940 most of the serious candidates for United States Senate seats have filed on more than one party's ballot. Richard Richards was the notable exception in 1956.

Candidates for Congress began to cross-file in appreciable numbers early, and reached a high of 58 per cent in 1928. This proportion dropped quickly to 38 per cent in 1930 and to a low of 8 per cent in 1932. Then began a steady rise to 85 per cent in 1954, and 83 per cent in 1956.

Cross-filing among candidates for state Senate offices remained close to the 40 per cent level between 1914 and 1928. It rose to 52 per cent in 1928, then after a dip to 39 per cent in 1932, it increased to a high of 94 per cent in 1944 and has remained well over 80 per cent since then. A similar pattern can be observed in cross-filing for state Assembly seats except that the steady rise after 1932 continued through 1954.

In the entire period, 57 per cent of the candidates for the state Senate have cross-filed, 46 per cent of Assembly candidates have followed this procedure, and 45 per cent of congressional candidates have pursued the same course. The least use of the system has been made by candidates for state-wide offices and for the United States Senate, with 42 and 39 per cent of these candidates respectively cross-filing in the primary.

Cross-filing has been a flexible and versatile part of the electoral system. Its use has varied not only in changing conditions in time but also in terms of the varying attitudes of the candidates for different offices in the same election.

Trends in successful use of cross-filing

Not only did more and more candidates for partisan office in California cross-file but more and more of them succeeded in winning the nominations of both major parties at the primary. Less than 30 per cent of the elections were won by cross-filing in 1914 and 1916 (Table II). As more candidates began to cross-file in 1918, the proportion of elections won by cross-filing went over the 50 per cent mark. This dropped a little during the one-party era of the twenties when many Republicans were unopposed and filed on one ticket only.

The return to the two-party system in the thirties brought about a sharp rise in contested elections and a drop in uncontested and cross-filed victories. Successfully cross-filed elections remained less than 50 per cent until the forties ushered in cross-filing's greatest era. Between 1940 and 1952, 68 per cent of all offices in California were won in the primary by cross-filing. The 1952 amendment dropped the proportion of successful cross-filers to 26.2 per cent in 1954, and this dropped further to 24.4 per cent in 1956.

During the entire history of cross-filing, candidates for election to the California legislature have made the most successful use of the device. In state Senate elections 61.8 per cent of the victories have been by cross-filing, peaks of 90 per cent having been reached in 1944 and 1952. For the Assembly, 48.4 per cent of the candidates have won both nominations in the primary, the high watermark of 77.5 per cent coming in 1944. Only 41.1 per cent of congressional offices and 43.1 per cent of the state-wide offices have been won by cross-filing. The greatest cross-filing successes for Congress came in the twenties when 81.8 per cent of the seats were filled by successful cross-filers in 1922, 1928, and 1930. The high point of successes in state-wide elec-

TABLE II

CROSS-FILED, CONTESTED AND UNCONTESTED ELECTIONS IN CALIFORNIA, 1914–1956

Year	Total Elections	Successfully Cross-Filed*		Contested		Uncontested†	
		Number	Per Cent	Number	Per Cent	Number	Per Cent
1914	123	21	17.1	101	82.0	1	0.9
1916	112	30	26.8	74	66.1	8	7.1
1918	122	73	59.8	31	25.4	18	14.8
1920	112	60	53.6	31	27.7	21	18.7
1922	123	63	51.2	18	14.6	42	34.1
1924	111	53	47.7	27	24.3	31	27.9
1926	123	59	48.0	23	18.7	41	33.3
1928	112	53	47.3	21	18.8	38	33.9
1930	121	47	38.8	26	21.4	48	39.7
1932	121	40	33.1	73	60.3	8	6.6
1934	131	63	48.1	66	50.4	2	1.5
1936	120	55	45.8	65	54.2	0	0.0
1938	131	59	45.0	70	53.4	2	1.5
1940	121	76	62.8	43	35.5	2	1.7
1942	133	83	62.4	48	36.1	2	1.5
1944	124	87	70.2	37	29.8	0	0.0
1946	134	92	68.7	42	31.3	0	0.0
1948	123	87	70.7	36	29.3	0	0.0
1950	134	92	68.7	41	30.6	1	0.8
1952	131	94	71.8	37	28.2	0	0.0
1954	141	37	26.2	104	73.8	0	0.0
1956	131	32	24.4	99	75.6	0	0.0
Totals	2,734	1,356	49.6	1,113	40.7	265	9.7

* Means winning all major-party nominations at the primary, thereby in effect winning the election. In 1914 there were three major parties in the field — Republican, Democratic and Progressive — and successful cross-filing refers to the capturing of all three party nominations or only two nominations where no one filed for the third party's nomination.

† Includes only elections with only one party represented on the general election ballot. Does not include instances where the only candidate running for an office cross-filed successfully.

tions came in 1918 when 81.8 per cent of the eleven offices were won by cross-filers.

In recent years candidates for state offices became more adept at successful cross-filing than candidates for national offices. During the period 1940–52, 82.9 per cent of state Senate elections and 70.5 per cent of Assembly contests were won by cross-filing successfully. Seventy per cent of other state offices were filled this same way. In this same period only 40 per cent of United States Senate contests and 46.6 per cent of the House elections were successfully cross-filed. It is evident that the voters continued to look at national elections with more partisan loyalties than they did for state offices. In every case the 1952 amendment cut sharply the number of successful cross-filers. It is now unlikely that a candidate will win both party nominations in the primary unless the opposition party does not put up a serious candidate.

All of this indicates again the flexible character of the cross-filing system in its easy adjustment to a wide variety of circumstances. It is clear, too, that the electorate's choices under cross-filing have varied according to the type of office and the period of time.

Both of these conclusions are accentuated in a comparison between the results of Assembly elections in San Francisco and Los Angeles counties during the history of cross-filing (Table III).

Cross-filing in Los Angeles and San Francisco Assembly elections

During the twenties a majority of Los Angeles Assembly elections were won without a Democratic candidate on the ballot. Of the remainder, only a few elections were cross-filed successfully and the rest were contested. In San Francisco a large majority of Assembly elections during this period were cross-filed; only a few were contested and the balance were uncontested.

In the thirties, the majority of Los Angeles Assembly elections were contested at the general election and only a small proportion successfully cross-filed. San Francisco, on the other hand, continued to nominate the same candidate on both major party tickets a majority of the times and had only a few contested elections.

TABLE III

RESULTS OF ASSEMBLY ELECTIONS IN SAN FRANCISCO AND LOS ANGELES COUNTIES 1914–1956

	Los Angeles			San Francisco		
Year	*Cross-Filed*	*Contested*	*Uncontested*	*Cross-Filed*	*Contested*	*Uncontested*
1914	2	13	0	2	10	0
1916	3	11	1	6	6	0
1918	6	5	4	8	3	1
1920	5	3	7	8	1	3
1922	3	1	11	9	1	2
1924	2	7	6	9	0	3
1926	2	2	11	8	1	3
1928	1	4	10	10	2	0
1930	0	7	15	10	1	1
1932	1	29	0	8	1	0
1934	2	27	1	9	0	0
1936	6	24	0	7	2	0
1938	4	25	1	4	4	1
1940	15	14	1	6	2	1
1942	14	15	1	7	1	0
1944	19	11	0	7	1	0
1946	18	12	0	8	0	0
1948	25	5	0	4	4	0
1950	21	9	0	7	1	0
1952	25	6	0	4	2	0
1954	3	28	0	2	4	0
1956	2	29	0	2	4	0

TABLE IV

SUMMARY OF ALL CROSS-FILED, CONTESTED AND UNCONTESTED ELECTIONS IN CALIFORNIA, 1914–1956

Year	Elections	TOTAL Won By Democrats	TOTAL Won By Republicans	TOTAL Per Cent Republicans	CROSS-FILED Won By Democrats	CROSS-FILED Won By Republicans	CROSS-FILED Per Cent Republicans	CONTESTED Won By Democrats	CONTESTED Won By Republicans	CONTESTED Per Cent Republicans	UNCONTESTED Won By Democrats	UNCONTESTED Won By Republicans	UNCONTESTED Per Cent Republicans	Other
1914	123	27	43	61.4	4	7	63.6	23	35	60.3	0	1	100.0	53*
1916	112	18	91	83.4	2	27	93.1	16	56	77.8	0	8	100.0	3†
1918	122	22	99	81.8	10	63	86.3	10	20	66.7	2	16	88.9	1‡
1920	112	9	103	92.0	8	52	86.7	0	31	100.0	1	20	95.2	0
1922	123	9	114	92.7	8	55	87.3	1	17	94.4	0	42	100.0	0
1924	111	9	102	91.9	5	48	90.6	4	23	85.2	0	31	100.0	0
1926	123	13	110	89.4	13	46	78.0	0	23	100.0	0	41	100.0	0
1928	112	9	101	91.8	7	46	86.8	2	17	89.4	0	38	100.0	2§
1930	121	10	111	91.7	10	37	78.7	0	26	100.0	0	48	100.0	0
1932	121	39	82	67.8	7	33	82.5	32	41	56.2	0	8	100.0	0
1934	131	58	73	55.7	20	43	68.3	37	29	43.9	1	1	50.0	0
1936	120	70	48	40.6	20	35	63.6	50	13	20.6	0	0	.....	2¶
1938	131	68	63	48.1	20	39	66.1	46	24	34.3	2	0	0.0	0
1940	121	61	60	49.6	29	47	61.8	30	13	30.2	2	0	0.0	0
1942	133	58	75	56.4	38	45	54.2	18	30	62.5	2	0	0.0	0
1944	124	61	61	50.0	39	48	55.2	22	13	37.1	0	0	.....	2#
1946	134	48	86	64.2	40	52	56.5	8	34	81.0	0	0	.....	0
1948	123	53	70	56.9	31	56	64.4	22	14	38.9	0	0	.....	0
1950	134	49	85	63.4	35	57	62.0	14	27	65.9	0	1	100.0	0
1952	131	44	87	66.4	30	64	68.1	14	23	62.2	0	0	.....	0
1954	141	54	87	61.7	18	19	51.4	36	68	65.4	0	0	.....	0
1956	131	63	68	51.9	26	6	18.8	37	62	62.6	0	0	.....	0
Total	2,734	852	1,819	68.1	420	925	68.8	422	639	60.2	10	255	96.2	63
						+16 Other			+ 47 Other					

Cross-Filed	1361	49.8
Contested	1108	40.5
Uncontested	265	9.7
	2,734	100.0%

* Fifteen Progressives won by cross-filing, and 32 Progressives, 3 Socialists, 2 Prohibitionists and 1 Independent won contested elections.
† One Prohibitionist cross-filed, and 1 Prohibitionist and 1 Progressive won contested elections.
‡ One Prohibtionist won a contested election.
§ Two Independents won contested elections.
¶ One Progressive won contested election, 1 election won by write-in.
# One Independent won contested election, 1 election won by write-in.

Beginning in 1940, cross-filing began to take hold among the candidates and voters of Los Angeles and by the early fifties most Assembly elections were being successfully cross-filed. San Francisco, during the forties, continued with its tradition of successful cross-filing. The voting of both Los Angeles and San Francisco reversed previous trends in 1954 and 1956 under the new cross-filing system by strengthening party loyalties in the primaries and thereby throwing most elections into a contest at the general election. An over-all view shows that San Franciscans had consistently favored cross-filing between 1916 and 1954: in the same period and under the same cross-filing system in Los Angeles a majority of electoral victories were won in three different ways; first in uncontested elections, then in contested elections, and finally through the successful use of cross-filing.

Cross-filing and party successes

Has one party been able to use the cross-filing system to better advantage than the other party? This may be tested by comparing the results of successfully cross-filed elections with the results of contested elections. Throughout the period under consideration, 1914–56, the Republicans won 68.1 per cent of all elections in the state (Table IV). They won 68.8 per cent of all cross-filed elections and only 60.2 per cent of contested elections. The Republicans were able to capture almost 9 per cent more victories in cross-filed elections than in contested elections over the forty-two-year span.

The over-all statistics do not, of course, give a complete picture of the operation of the cross-filing system partywise. One of its most important characteristics may be discerned by analyzing the results of cross-filed and contested elections during the periods of Republican and Democratic strength (Table V).

The first period, 1920–30, is the era of almost overwhelming Republican strength, in which the Republicans won 95 per cent of all contested elections and the Democrats, only seven elections or 5 per cent. In cross-filed elections, however, the Democrats captured fifty-one seats or 15 per cent of the victories.

After the Democrats came to power in 1932, they captured 61 per cent of contested elections through 1940, and the Republicans won only 39 per cent.

TABLE V

CROSS-FILED AND CONTESTED ELECTIONS IN PERIODS OF REPUBLICAN AND DEMOCRATIC STRENGTH

	CROSS-FILED			CONTESTED		
	WON BY			WON BY		
Period	*Democrats*	*Republicans*	*Per Cent Republicans*	*Democrats*	*Republicans*	*Per Cent Republicans*
1920–30	51	284	84.8	7	137	95.2
1932–40	96	197	67.2	195	120	38.7
1942–48	148	201	57.6	70	91	56.5

During this period the Republicans won 67 per cent of cross-filed elections and the Democrats only 33 per cent. Thus, while the Republicans were in power, the Democrats were able to win 10 per cent more elections by cross-filing than in contested general elections; and while the Democrats were in power, the Republicans won 28 per cent more victories in cross-filed elections than in contested elections.

From 1942 to 1948, Republican and Democratic strength, when judged by victories in contested elections, alternated back and forth. The Republicans won a majority of contested elections in 1942 and 1946; the Democrats, in 1944 and 1948. During this period of electoral swing and sway, the Republicans won 56.5 per cent of all contested elections and virtually the same proportion, 57.6 per cent, of all cross-filed elections. Neither party had an advantage in the over-all picture. But in each year in which the Republicans scored a majority of victories in contested elections (1942, 1946), they were unable to roll up as high a percentage of victories in cross-filed elections. In 1942 the Republicans won 8 per cent fewer cross-filed victories and in 1946 they won 25 per cent fewer cross-filed elections. In the Democratic years, 1944 and 1948, the Democrats were unable to do as well in cross-filed as in contested elections; they won 18 per cent fewer cross-filed elections in 1944 and 25 per cent fewer in 1948.

The evidence indicates, therefore, that in the period 1920–48 the out-of-power party, or the party losing favor with the voters (as measured by the proportion of victories in contested elections) was usually able to win a greater proportion of cross-filed victories than contested elections. This was particularly true in the Democratic era of the thirties and in the biennial shifts of electoral strength between the parties in the forties.

However, there is evidence that in 1950 a change developed in the voters' behavior under the cross-filing system, although not enough data accumulated before the adoption of the 1952 amendment to get a clear picture of the new trend. In 1950 the Republicans won 66 per cent of contested elections and 62 per cent of cross-filed elections; in 1952 they repeated with 62 per cent of contested elections and 68 per cent of cross-filed victories.

This stabilization and equalization of the partisan proportions of contested and cross-filed elections suggests that the old pattern of results had apparently been broken in 1950. However, the 1952 amendment brought about a marked change in voting behavior two years later and precluded the further development of any new trend which may have begun in 1950. It may be suggestive that the changed results in 1950 correlated with the increased volume of publicity on cross-filing in the postwar period. It is possible that the voters had been made aware enough of the operation of the system to bring about the uniform results of 1950 and 1952. However, this hypothesis could only be tested properly by voter surveys taken at the time of the 1946, 1948, 1950, and 1952 elections.

Cross-filing and partisanship of electoral districts

Does the partisanship of an electoral district enhance the ability of a candidate to cross-file successfully—i.e., is it easier for a Democratic (Republican) candidate to win both party nominations in the strongest Democratic (Republican) districts where the opposition is weakest and least likely to put on a strong campaign?

A partial negative answer is evident from the fact that cross-filing has been used as frequently and as successfully in state-wide elections as in legislative contests. All state-wide contests have exactly the same constituency in any election and therefore the same degree of partisanship. We may, however, inquire further into the question by testing this hypothesis on the variations of partisanship among legislative districts. California's partisan registration system furnishes the most accurate index of partisanship obtainable for this purpose.

Table VI tabulates the frequency distribution of Democratic and Republican cross-filed and contested victories according to the Democratic proportion of the two-party registration in all state senatorial elections during the period 1932 through 1950. Congressional and Assembly districts are not included because registration data are not available for all these districts during this period.

An inspection of the data indicates that the only category of elections which tends to vary directly with the degree of partisanship is contested elections won by Republicans (RC). Republican cross-filed wins (RX) range close to the 50 per cent mark in all frequency categories — the largest variations being found in the most Democratic and Republican categories and one of the middle categories. Wider variations exist in both Democratic columns (DC and DX) without exhibiting any regular pattern. Year-by-year patterns reveal the same characteristics. Hence we may conclude that the successful use of cross-filing is not related in any significant way to the degree of partisanship of the electoral district.

Cross-filing as an aid to incumbents

A clue to the reason why the party losing favor with the voters has generally reaped the greatest advantage from cross-filing during this period may be found from a tabulation of the number of victories won by incumbents in these senatorial elections (Table VI). In both cross-filing categories incumbents won the largest proportion of victories — 76 per cent (77 out of 101) for the Republicans and 67 per cent (32 out of 48) for the Democrats. In contested elections only 11 of 30 Republicans were incumbents and only 4 of 19 Democrats were incumbents.

The incumbents' ability to use the cross-filing system with greater success is evident further in an over-all view of cross-filing and incumbency. Out of a grand total of 1,654 incumbents who have been re-elected since the begin-

TABLE VI

RELATION OF PARTY REGISTRATION TO CROSS-FILED VICTORIES IN CALIFORNIA SENATORIAL DISTRICTS, 1932–1950

Democratic Percentage of Two Party Registration	WON BY							
	RX	*Per Cent*	*RC*	*Per Cent*	*DC*	*Per Cent*	*DX*	*Per Cent*
20.1–30	---	---	1	100	---	---	---	---
30.1–35	1	33	2	67	---	---	---	---
35.1–40	2	50	2(2)	50	---	---	---	---
40.1–45	6(2)	50	4	33	1	17	1(1)	17
45.1–50	6(5)	43	1	7	1	7	6(4)	43
50.1–55	23(17)	52	7(3)	16	6	14	8(6)	18
55.1–60	26(21)	62	4(1)	10	2(2)	5	10(7)	24
60.1–65	24(22)	55	7(4)	16	3	7	10(7)	23
65.1–70	13(10)	38	2(1)	6	6(2)	18	13(7)	38
	101(77)		30(11)		19(4)		48(32)	

RX = Republican by successful cross-filing.
RC = Republican in contested election.
DC = Democrat in contested election.
DX = Democrat by successful cross-filing.
( ) = Number of incumbents.

ning of the cross-filing system, 1,050 (64 per cent) cross-filed successfully. Of equal significance is the fact that during this same period 80 per cent of the 1,361 successful cross-filers have been incumbents (Table VII).

The successful use of cross-filing by incumbents has increased since the system was adopted. In the first year of its use only 42 per cent of successful cross-filers were incumbents, and until 1928 this proportion remained under 70 per cent in each year. In the mid-thirties the figure rose to more than 80 per cent and averaged well over 80 per cent until 1950 when over 90 per cent of all successful cross-filers were incumbents. It has become extremely difficult for a nonincumbent to cross-file successfully since the adoption of the 1952 amendment: only one out of 69 successful cross-filers in 1954 and 1956 was a nonincumbent.

Congressional incumbents have made better use of the cross-filing system than any other category of incumbents (Table VII). Of the 168 successful cross-filers for Congress, 95.8 per cent have been incumbents. Incumbents in state-wide offices have won 91.5 per cent of the cross-filed elections. Incumbents in the state legislature have not had the same measure of success; only 78.4 per cent of cross-filed Assembly elections and 70.1 per cent of Senate elections have been won by incumbents. In every case incumbents have had increasingly greater success with cross-filing through the years.

Over-all, it is evident that nonincumbents have had little success with cross-filing. Indeed, it has become difficult for any candidate not an incumbent to win by this system.

TABLE VII

CROSS-FILING AS AN AID TO INCUMBENTS IN CALIFORNIA ELECTIONS, 1914–1956

	SUCCESSFUL CROSS-FILERS														
	ALL OFFICES			STATE-WIDE OFFICES			HOUSE OF REPRESENTATIVES			STATE SENATE			ASSEMBLY		
Year	Total	Incumbents	Per Cent	Total	Incumbents	Per Cent	Total	Incumbents	Per Cent	Total	Incumbents	Per Cent	Total	Incumbents	Per Cent
1914	26	11	42.3	4	3	75.0	2	2	100.0	3	0	0.0	17	6	35.3
1916	30	15	50.0	....	....		3	3	100.0	8	3	37.5	19	9	47.4
1918	73	48	65.8	9	8	88.9	8	8	100.0	10	7	70.0	46	25	54.3
1920	60	38	63.3	....	....		6	6	100.0	11	8	72.7	43	24	55.8
1922	63	44	69.8	5	5	100.0	9	9	100.0	12	7	58.3	37	23	62.2
1924	53	36	67.9	....	....		8	7	87.5	10	6	60.0	35	23	65.7
1926	59	41	69.4	1	1	100.0	6	5	83.3	11	7	63.6	41	28	68.3
1928	53	43	81.1	....	....		9	9	100.0	9	7	77.8	35	27	77.1
1930	47	36	76.6	1	1	100.0	9	9	100.0	10	3	30.0	27	23	85.2
1932	40	24	60.0	....	....		5	5	100.0	12	2	16.7	23	17	73.9
1934	63	48	76.2	7	7	100.0	8	7	87.5	15	10	66.7	33	24	72.7
1936	55	46	83.6	....	....		6	6	100.0	12	8	75.0	37	32	86.4
1938	59	48	81.4	7	6	85.7	7	6	85.7	13	9	69.2	32	27	84.4
1940	76	67	88.2	1	1	100.0	11	10	90.9	15	12	80.0	49	44	89.8
1942	83	65	78.3	5	5	100.0	12	11	91.7	16	11	68.8	50	38	76.0
1944	87	82	94.3	....	....		7	7	100.0	18	15	83.3	62	60	96.8
1946	92	80	87.0	8	6	75.0	10	10	100.0	17	15	88.2	57	49	86.0
1948	87	72	82.8	....	....		12	11	91.7	17	13	76.4	58	48	82.8
1950	92	85	92.4	8	8	100.0	11	11	100.0	15	13	86.7	58	53	91.4
1952	94	85	90.4	1	1	100.0	14	14	100.0	18	15	83.3	61	55	90.2
1954	37	36	97.3	2	2	100.0	2	2	100.0	11	10	90.9	22	22	100.0
1956	32	32	100.0	....	....		3	3	100.0	11	11	100.0	18	18	100.0
Total	1361	1082	79.5	59	54	91.5	168	161	95.8	274	192	70.1	860	675	78.4

Cross-filing and nonpartisanship appeals

During the period of its existence the operation of the cross-filing system has contributed to a solid reputation for independent, nonpartisan voting by the California electorate. This was largely intended by the Progressives when they introduced the system in 1913 and made changes in it in subsequent years.

California's reputation for nonpartisan *voting* is not as justified as is the type of *appeals* made by candidates under the cross-filing system, however. The voting partly followed the nature of the appeals but it also retained some important elements of partisanship as will be shown.

The very nature of the system established by the Progressives tended to weaken partisanship appeals and partisan voting. The core of this tendency lay in the fact that a candidate did not have to reveal his party affiliation on the ballot when he filed for the nomination of his own or other parties. In a sense the cross-filing candidate was masquerading as a member of all parties inasmuch as he was a candidate for the nomination of all parties. And the voter was unaware of the party affiliation of each candidate from a perusal of the ballot, although he could obtain this knowledge from other sources. This in turn led to the deliberate attempt by cross-filed candidates to obscure their party affiliation in electoral appeals because they were trying to win the nominations of two or more parties. This would eliminate the need for a general election campaign.

This candidate nonpartisanship was geared to partisan politics in strange ways. Hiram Johnson was passionately attached to the Progressive movement in California. When it became clear in 1916 that the national and state Progressive parties could no longer endure, he decided to move back into the Republican party and he announced his support for Charles Evans Hughes. At the same time, however, he told the Progressive party members that they were free to choose whichever party they desired as long as they organized within that party so that the California Progressive movement would continue.[13]

The Progressives split in 1916, backing Johnson for United States senator solidly and giving heavy support to Wilson for President of the United States.[14] Thereafter, they returned to the Republican party and fought it out with the conservative Republicans within the party during the twenties.

Hiram Johnson, true to his nonpartisan attitude toward the major parties, supported the New Deal until the Supreme Court fight in 1937 turned him against Roosevelt.

Earl Warren was another candidate who was strongly affected by nonpartisanship and the cross-filing system. In the thirties, while holding a non-

[13] George Mowry, *The California Progressives* (Berkeley and Los Angeles: University of California Press, 1951), pp. 247–48.

[14] *Ibid.*, p. 274.

partisan local office, Warren was a solidly Republican politician, holding at one time or another the positions of Republican State Chairman, Republican National Committeeman, and nominal head of the Republican delegation to the 1936 presidential convention.

In 1938, however, Warren cross-filed on Republican, Democratic, and Progressive ballots for the partisan office of attorney general, and he won all three nominations after making a nonpartisan appeal for votes.[15]

Warren continued the nonpartisan appeal in his bids for the governorship in 1942, 1946, and 1950, cross-filing in each of these elections. Although he continued to support the Republican Assembly, he rarely supported Republican candidates at election time—Senators Knowland and Kuchel being the main exceptions to this rule. During his administration, Warren also appointed a number of Democrats to public office in California.

Governor Knight showed clearly the great pressures placed upon a candidate by the cross-filing system within a partisan situation. After cross-filing for Republican and Democratic nominations for governor in the 1954 primary, Knight said: "The essence of free government rests not in narrow partisanship but in the election of the best man for the widest public benefit. Cross-filing leads to a keen awareness on the part of the voters because the candidate has to go before not only his own party but both of them." [16] But after a bitter row with the Nixon forces over the election of new Republican State Committee offices in August of that year, Knight attempted to soothe the wounds of the losers by declaring: "I am a Republican candidate and will run as a Republican candidate and if I am at a meeting with other Republicans, I shall certainly appear with them. I'm not running as a nonpartisan."[17]

In April of the following year Knight tried to get the support of Democratic legislators for his tax program by declaring that he felt no obligation to campaign for the opponent of a Democratic legislator just because that opponent is a Republican. Knight added, "While I would not campaign for Democrats as such, I would not oppose people who helped me in my program."[18]

By 1956 Knight reached the heights (or depths) of this strange symbiosis of nonpartisan partisanship, when at a Republican Assembly banquet he dramatically challenged Democratic leaders to "become giants in American political history" by joining with Republicans in "a grand nonpartisan movement" to re-elect Dwight Eisenhower without opposition. Knight promised in return that he would lead a Republican movement to support a Democratic presidential candidate when the Democrats offered a leader comparable to Eisenhower.[19]

[15] Robert E. Burke, *Olson's New Deal for California* (Berkeley and Los Angeles: University of California Press, 1953), p. 211.
[16] *San Francisco Chronicle*, April 27, 1954.
[17] *Ibid.*, August 11, 1954.
[18] *Ibid.*, April 2, 1955, p. 10.
[19] *New York Times*, March 4, 1956, p. 63.

Edmund G. Brown has also tried to be a nonpartisan and a good Democrat at the same time. He has been one of the strongest leaders in the party but he has consistently conducted nonpartisan campaigns for what he has considered to be "a nonpolitical Attorney General's office." He also publicly admired Governor Warren on numerous occasions. He explained this away to a Democratic meeting by saying that it is best to support Warren when he is right and to be critical of him when he is wrong.

State Treasurer Charles G. Johnson had the most difficult time with the system in 1954. Like candidates for the other state administrative offices, he had always conducted cross-filed, nonpartisan campaigns for what he called a nonpartisan office. However, the screening committee of the Republican Assembly delayed its endorsement of him in 1954 after he was reported to have supported two Democrats for election to the state legislature. This action prompted Johnson to cry out, "I have always been a loyal Republican although my office is nonpartisan. . . . I can't understand how the Republican party can question my loyalty." [20]

The change in the cross-filing system in 1952 has mitigated greatly the nonpartisan aspect of electoral appeals but it may not disappear entirely until the cross-filing system itself is abolished.

Electoral effects of changes in the cross-filing system

Changes in an electoral system are usually intended to bring about specific changes in voting results. Sometimes the intended effects take place, but occasionally side effects occur which were not foreseen or desired by the political physicians. Two amendments to the cross-filing provisions of California's Direct Primary Act give us an excellent opportunity to observe and analyze these effects.

The Hawson Amendment is a clear example of how an electoral system can by itself change the will of the voters. The amendment's provision that a candidate would have to win the nomination of his own party before he was entitled to the nomination of any other party had immediate results. In the gubernatorial election of 1918 three major candidates — two Republican and one Democrat — cross-filed. Governor William D. Stephens, Republican, cross-filed on the Progressive and Prohibition ballots; Mayor James J. Rolph, Jr., of San Francisco, Republican, cross-filed on the Democratic and Progressive tickets; and Francis J. Heney, Democrat, cross-filed for the Progressive nomination.

The results of the 1918 gubernatorial primaries among the major candidates were: Republican — Stephens 168,942, Rolph 146,990; Democratic — Rolph 74,955, Heney 60,662; Progressive — Stephens 5,142, Heney 3,418, Rolph 980.

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[20] *San Francisco Chronicle*, January 24, 1954.

Governor Stephens had won the nomination of the Republican and Progressive parties, as well as that of the Prohibitionists, for which he had no opposition. Mayor Rolph, a registered Republican, had beaten the Democratic candidate, Heney, for the Democratic nomination. Under the Hawson Amendment Rolph was clearly disqualified as Democratic nominee because he had not won the nomination of his own Republican party. The Democrats, therefore, had no candidate under their banner in the general election, although Theodore A. Bell, a party stalwart, later obtained a place on the ballot as an independent. The 1919 amendment allowed the state central committee of the party to fill vacancies created by the operation of the Hawson Amendment.

The Hawson Amendment resulted in numerous other disqualifications. Between 1918 and 1954, 107 candidates for state legislative posts came under the provisions of the Hawson Amendment and were unable to represent the parties whose voters had chosen them as their nominees, although many of these were disqualified from nomination for a minor party. In some of these cases the disqualified candidate had a clear majority of the votes cast in the primary election. For example, in the 70th Assembly District race in 1946 the primary results were:

	L. D. Middough	*A. C. S. Ramsey*	*James W. Fortune*
Republican Primary	8,646	3,540	
Democratic Primary	6,805	7,289	879
	15,451	10,829	

Democrat Middough had lost to Ramsey in the Democratic primary and hence was ineligible to win the Republican nomination even though he had polled 50 per cent more total votes than Ramsey. Ramsey, also a Democrat, lost the general election to a candidate named by the appropriate Republican central committee.

In 1948 the Hawson Amendment reached its ultimate application in the 36th Assembly District when both the Republican and Democratic candidates were disqualified after each captured the nomination of the opposite party but lost his own. The voting was:

	Republican Primary	*Democratic Primary*
Raymond A. Padden (Republican)	5,702	8,966
Harry J. Johnson (Democrat)	5,874	7,222

Johnson was the registered Democrat and Padden the registered Republican. It is unlikely that this would happen again because the strengthening of party voting under the 1952 amendment has virtually eliminated disqualifications of major-party candidates under the provisions of the Hawson Amendment.

The 1952 amendment

The strong nonpartisan appeals by candidates under the old cross-filing system resulted in nonpartisan responses from the voters to some extent. However, the 1952 amendment strengthened partisan voter loyalties in the primaries significantly and this in turn led to a renewed emphasis upon partisanship as the Democrats sought to take advantage of the amendment's provisions and the Republicans finally decided in 1956 that the state Democratic registration need not inhibit a partisan Republican appeal.

The strengthening of partisan voter loyalties in the primaries is clearly evident from a comparison of the proportions of registered Democrats and registered Republicans who crossed party lines in the primary by voting for a cross-filed candidate of the other party. In state-wide elections during 1942–52, 42 per cent of the voters in the primary voted for a candidate of the opposite party when a choice was available between candidates from both major parties (Table VIII). When the party affiliation was placed after the candidate's name in 1954 this total dropped sharply to 23 per cent of the voters and dropped further to 16 per cent in 1956.

In congressional and state legislative contests a similar picture is evident. Between 1946 and 1952 an average of 36 per cent of the voters crossed party lines in the primary when given a choice between candidates of both major parties. This dropped to 22 per cent in 1954 and in 1956.

Party loyalties toward both parties were strengthened by the 1952 amendment to the cross-filing law (Table IX). Many more Democratic voters than Republican voters had crossed party lines under the old cross-filing system: 51 per cent Democrats vs. 17 per cent Republicans in the state-wide elections of 1942–52, and 41 per cent Democrats vs. 29 per cent Republicans in legislative contests during 1946–52. After the 1952 amendment went into effect the number of Democrats crossing party lines in state-wide elections dropped

TABLE VIII

PER CENT OF ALL VOTERS CROSSING PARTY LINES IN CONTESTED PRIMARY ELECTIONS IN CALIFORNIA, 1946–1956

Year	Congress, State Senate, Assembly *Per Cent Crossing Party Lines*	State-wide Elections *Per Cent Crossing Party Lines*
1946	35	
1948	38	
1950	34	
1952	37	
Average 1946–52*	36	42
1954	22	23
1956	22	16

* Average in state-wide elections is for period 1942–52.

TABLE IX

CROSSING OF PARTY LINES BY REGISTERED REPUBLICANS AND DEMOCRATS IN CONTESTED PRIMARY ELECTIONS IN CALIFORNIA, 1946–1956

Year	Congress		State Senate		Assembly		Totals		State-wide Elections	
	Per Cent Democrats for Republicans	Per Cent Republicans for Democrats	Per Cent Democrats for Republicans	Per Cent Republicans for Democrats	Per Cent Democrats for Republicans	Per Cent Republicans for Democrats	Per Cent Democrats for Republicans	Per Cent Republicans for Democrats	Per Cent Democrats for Republicans	Per Cent Republicans for Democrats
1946	34	32	40	26	44	31	38	30		
1948	39	28	40	44	48	31	43	31		
1950	37	27	42	28	43	31	39	28		
1952	42	26	45	35	47	31	44	28		
Average 1946–52*	38	28	42	33	46	31	41	29	51	17
1954	24	19	34	10	25	16	27	15	31	14
1956	23	19	26	27	23	18	24	19	26	4

* Average in state-wide elections is for period 1942–52.

from 51 to 31 per cent in 1954 and to 26 per cent in 1956; Republican crossers dropped from 17 to 14 per cent in 1954 and to 4 per cent in 1956. In legislative contests Democratic crossers dropped from 41 to 27 per cent in 1954 and to 24 per cent in 1956; Republican crossers changed from 29 to 15 per cent in 1954 and to 19 per cent in 1956.

It is apparent that the 1952 amendment to the cross-filing law strengthened the party loyalties of the voters in the primaries and caused them to conceive of the primary as an instrument for the election of their own party's candidates rather than as a preliminary general election as it had frequently been under the old system.

Of particular significance is the fact that voter loyalties to *both* parties were increased by the 1952 amendment. In legislative elections the amount of crossing of party lines dropped by 14 percentage points in each party in 1954. In state-wide elections party loyalties increased more among Democrats than among Republicans largely because the Democrats had further to go in this respect.

The Democratic party reaped the benefits of this increased voter loyalty inasmuch as it was able to slow down and then stop almost completely the Republican habit of winning most of the races in the primary elections by cross-filing. In 1950, for example, the Republicans won 57 out of 134 elections by cross-filing. This included 4 out of 7 state-wide races. In 1952 the Republicans won 64 out of 131 races by cross-filing, including the only state-wide race. After the amendment went into effect in 1954 the Republicans could win only 19 out of 141 elections by cross-filing, none of their wins coming in the seven state-wide contests. In 1956 their total of cross-filed winners dropped to 6 out of 131 elections. In all of those 6 elections there was no Democratic opponent to the Republican candidate.

Strangely, the Democrats who had dropped from 30 cross-filing wins in 1952 to 18 wins in 1954 increased their total of cross-filing victories back to 26 in 1956. It is ironic that the Democrats, who did rather poorly in the general election contests in 1954 and 1956 (which is precisely where they had always wanted to get the main election fights because of their registration advantage), made in 1956 their best over-all record of victories since the 1944 election primarily because they did so much better than the Republicans in winning cross-filed elections.

The record indicates further that the lack of party labels next to candidates' names on the primary ballot was not an important reason for Republican superiority at the polls presumably because it confused Democratic voters into voting for disguised Republican candidates in the primary. The evidence for this was available even before the recent change in the cross-filing law. While there is no doubt that under the old system many individual voters were confused about the partisan affiliations of the candidates, the evidence

suggests that *in the aggregate* California voters were not confused about the party affiliations of candidates prior to 1954.

By taking those instances in state-wide elections in which the major candidates of both parties cross-filed in the primary and the winners then opposed each other in the general election for a second time, we can compare the breakdowns along party lines before and after the 1952 amendment went into effect (Table X).

During the period 1934–52 there were eight elections in this category. Contrary to widely accepted beliefs that Republicans did better in the primaries under the old system, Republican candidates received 53 per cent of the major-party vote in the primaries and a similar proportion in the general elections. In 1954, with party labels on the primary and general election ballots, Republican candidates received 60 per cent of the two-party primary vote and only 55 per cent in the general election; and in 1956 the results were similar to the pre-1954 elections; a 55 per cent Republican vote in the primary and 54 per cent in the general election.

Hence the lack of party identification of the candidates on the primary ballot did not in itself confuse the voters' partisan choices in the primary elections before 1954. It changed the nature of the candidates' appeals and the voters' perceptions of the primary election, and thereby tended to shift the general election into the primary contest. But wherever the primary was fought vigorously by both sides, party lines held firm in both elections — undoubtedly because in sharp political contests the voters were made aware of the party affiliations of the various candidates. In these cases other factors determined the outcome of the election.

When we look at individual elections, we can see that at times the vote varied considerably between the primary and general elections. The Republican vote dropped from 61 to 47 per cent between the primary and general elections in the lieutenant governor's race in 1938. On the other hand, two United States senatorial races had marked increases in the Republican percentage between the primary and general elections: 40 to 55 per cent in 1946 and 42 to 59 per cent in 1950. Under the new system, in the 1954 lieutenant governor's race the Republican percentage dropped 10 points — from 65 to 55 per cent. And a similar 10 per cent drop was recorded in the 1950 attorney general's race under the old system. In each of these five elections there was a three-cornered race in the primary between the major candidate of one party and two bitterly opposed candidates of the other party. In each case the party with two major candidates polled a large primary vote: the Democrats in the 1946 and 1950 senatorial contests and the Republicans in the other contests. In each case the party with the highest proportion of the votes in the primary saw its vote fall off sharply in the general election — perhaps because of the political scars caused by the intraparty struggle or because an

TABLE X

COMPARISON OF PERCENTAGE OF VOTES RECEIVED BY REPUBLICAN CANDIDATES IN CONTESTED PRIMARY AND GENERAL ELECTIONS FOR STATE-WIDE OFFICES IN CALIFORNIA, 1934–1956

Year	Governor		Lieutenant Governor		Secretary of State		Attorney General		Controller		Treasurer		U.S. Senate		Average All Offices	
	Primary	*General*	*Primary*	*General*	*Primary*	*General*	*Primary*	*General*	*Primary*	*General*	*Primary*	*General*	*Primary*	*General*	*Primary*	*General*
1934	a		a		bR		bR		cR		a		bR		....	....
1938	a		61	47	bR		bR		bR		bR		bR		61	47
1940													cR		....	....
1942	bR		51	50	bR		43	46	bR		bR				47	48
1944													55	48	55	48
1946	cR		63	56	cR		61	57	cR		unopposed		40	55	55	56
1950	60	65	cR		unopposed		57	47	cR		bR		42	59	53	57
1952													cR			
1954	64	57	65	55	61	57	cD		56	54	59	52	57	54	60	55
1956													55	54	55	54
1934–52	60	65	58	51	....	....	54	50	....	....	....	....	46	56	53	53
1954–56	64	57	65	55	61	57	....	....	56	54	59	52	56	54	60	55
1934–56															56	54

Figures are the Republican percentage of the major-party vote.
a — No major candidate cross-filed.
bR — Only the Republican candidate cross-filed.
cR — Both major candidates cross-filed; won in primary by Republican candidate.
cD — Both major candidates cross-filed; won in primary by Democratic candidate.

intraparty battle for the nomination had brought out a larger primary vote.

In the other six contests before 1954 and the six in 1954 and 1956, the Republican vote in the primary and general elections varied within 7 percentage points. In two of these instances before 1954, the Republican candidate *increased* his proportion of the vote in the general election. In each case in 1954 and 1956 the Republican vote dropped off.

This phenomenon is seen in more striking perspective in the legislative contests where it may be presumed that the voters usually had less knowledge of the candidates than in the races for state-wide offices (Table XI). During the period 1946–52 Republican candidates in contested primary elections received an average of 54 per cent of the vote, and 53 per cent in contested general elections for those years. In 1954 these figures remained as constant: 52 per cent in the primary and 51 per cent in the general election; while in 1956 the Republicans gained strength in the general election from 47 to 52 per cent.

The year-by-year breakdown points up the basic conclusion of this analysis: that California voters in the aggregate were not confused about party affiliation of candidates under the old cross-filing system. In 1946 when Republican strength built up during the year, Republican candidates received 52 per cent of the contested primary vote and 56 per cent of the contested general election vote. In 1948, the year of the dramatic, uphill Truman fight against Dewey, the Republican percentage dropped from 53 to 48 between the primary and general elections. In 1950, 1952, and 1954 the Republican strength remained virtually the same between primary and general elections. And in 1956 the Republicans gained five percentage points in the general election in a year in which the Republicans lost strength nationally between May and September but came back strong in the last two months.

Several general conclusions may be drawn about the changes which occurred under the 1952 amendment. First, voters crossed party lines to a much greater extent under the old cross-filing system than under the 1952 amendment. The new system has strengthened the party loyalties of Republicans and Democrats to about the same extent and has resulted in the voters as a whole again viewing the primary as an instrument for party nominations. Both the old and the new systems were intended to alter voting behavior in these ways and both objectives were achieved.

Second, the voters *as a whole* were not confused by a lack of party labels on the ballot under the old system. The partisan breakdown of the vote in primary and general elections followed campaign trends and indicated that the primary generally served as a preliminary general election instead of a party nominating instrument.

Finally, the Democrats have been aided handsomely in primary elections by the 1952 amendment but the Republicans have made up for the primary

TABLE XI

PERCENTAGE OF VOTES RECEIVED BY REPUBLICAN CANDIDATES IN CONTESTED PRIMARY AND GENERAL ELECTIONS FOR CONGRESS, STATE SENATE AND ASSEMBLY IN CALIFORNIA, 1946–1956

Year	Congress		State Senate		Assembly		Total	
	Per Cent Republican Primary Vote	*Per Cent Republican General Election Vote*	*Per Cent Republican Primary Vote*	*Per Cent Republican General Election Vote*	*Per Cent Republican Primary Vote*	*Per Cent Republican General Election Vote*	*Per Cent Republican Primary Vote*	*Per Cent Republican General Election Vote*
1946	49	55	54	53	52	58	52	56
1948	52	47	47	48	56	51	53	48
1950	52	51	55	55	54	54	53	52
1952	57	55	54	55	56	54	56	55
Average 1946–52	53	52	53	53	55	54	54	53
1954	48	51	59	50	50	52	52	51
1956	45	51	53	55	49	52	47	52

loss by heavy gains in contested general elections. The Democrats now have a greater opportunity to win general elections which had previously been lost to Republicans in the primaries, but this may be overemphasized: the Democrats have not had a favorable record in contested elections since 1942 and especially since 1950 (Tables IV, V).

The cross-filing system as a whole has not of itself placed an iron grip upon the electoral system and thereby controlled voting behavior rigidly. It has been, instead, a truly flexible instrument within which the various other factors affecting voting behavior have been able to operate. Its flexibility has been apparent in the different results which have been evident in different areas and in different offices at different times during the cross-filing era.

In its direct effects upon the voting situation, the original cross-filing amendment to the Direct Primary Act made it possible for candidates to achieve what amounted to election at the primaries when they were able to cross-file successfully across major-party lines. Because a cross-filing candidate had to appeal in the primaries to registered party voters of several parties as the nominee of each party, he found it more expedient to use a nonpartisan appeal than to risk the pitfalls of a multipartisan appeal. This became the key factor in California's reputation for political nonpartisanship. The framers of the original cross-filing amendment hoped to achieve this effect upon the voting situation and they were successful although neither nonpartisan appeals nor nonpartisan voting was achieved completely.

The 1952 amendment (even though only a forced compromise measure) was expected to diminish significantly voting across party lines and successful cross-filing in the primaries. These effects have been achieved by a significant reduction in the number of voters crossing party lines and in the number of successfully cross-filed elections in the two elections since the amendment went into effect.

The Hawson Amendment was designed to negate the will of the voters of a party when they nominated an opposition party candidate who was unsuccessful in winning the favor of his own party voters. Here is a clear-cut example of an electoral system which altered the will of the voters after the votes were counted because the will of the voters of one party was not always determined by the counting of its own votes; instead, the results could be changed by the tally of votes in the other party.

No one party has reaped all the benefits of the cross-filing system. The data indicate that during most of the history of cross-filing the party out of power or losing favor with the voters was able to achieve a significantly larger proportion of cross-filed elections than contested elections. This can be attributed to the advantage which incumbents had over nonincumbents in using the cross-filing system successfully.

ELECTION EXPERIENCE OF CANDIDATES FOR THE HOUSE OF COMMONS, 1918–1955*

PHILIP W. BUCK
Stanford University

STANDARD GUIDES to election results give very little information about the previous experience of candidates.[1] Long records of election and re-election are well enough known; and some long records of repeated failure have attracted notice. Table I sets forth the record of all contenders for a seat in the House of Commons at all general elections since 1918.

The table classifies all candidates at the general elections, and gives the actual number of candidates falling into each classification. The basis of classification is the previous record in general elections and by-elections of each candidate. For each election year, the status of all candidates in that election is shown. For each election, except 1918, the counts are complete.[2] This means, of course, that the records of persons who have contested or who have been re-elected many times, appear over and over again in the figures in successive years. Each election shows a count of candidates in appropriate classifications, and no person appears in any count unless he was a candidate in that election.

Since the tabulation begins with the general election of 1918, candidates who have pre-1918 records are shown in a separate count from those whose records began in 1918 or later. This distinction between "pre-1918" and "post-1918" does not mean that the pre-1918 records have been searched and counted for the purpose of the classifications shown. Under the heading "pre-1918" appear the figures for such candidates showing their records beginning with 1918.

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* The data which form the basis for the figures given in this article were collected for a broader study of the candidates for, and the members of the House of Commons in the period from 1918 to 1955. This study, still in progress, has been financed by a grant from the Ford Foundation of New York. The author wishes to acknowledge his indebtedness; the collection of data would have been impossible without the aid of this grant.

[1] The chief sources for the election results used here have been *The Constitutional Year Book* (London: National Unionist Association, annually from 1918 to 1939), and *The Times House of Commons* (London: *Times* Office, 1929, 1931, 1935, 1945, 1950, 1951, 1955). By-election data has been derived from a number of sources.

The most that these sources tell about the previous election experience of a candidate is whether he has been a member of the House of Commons immediately preceding the reported election, and whether he has been a member earlier. In a brief biographical note on each candidate *The Times House of Commons* sometimes refers to earlier contests.

The figures given in the tables and elsewhere in this article are the result of the collection and correlation of data in ways which have not been attempted hitherto.

[2] The records of 132 candidates in southern Ireland constituencies which ceased to exist thereafter, have been excluded from the counts for 1918.

TABLE I

ELECTION EXPERIENCE OF CANDIDATES FOR, AND MEMBERS OF THE HOUSE OF COMMONS, 1918 TO 1955

	1918 ELECTION*				1922 ELECTION†				1923 ELECTION‡			
	Post-1918		Pre-1918		Post-1918		Pre-1918		Post-1918		Pre-1918	
	Elected	*Defeated*	*Elected*	*Defeated*	*Elected*	*Defeated*	*Elected*	*Defeated*	*Elected*	*Defeated*	*Elected*	*Defeated*
New Entrants	213	654	416	189	153	467	19	24	62	317	....	21
E	1	....	1	....	146	53	194	72	199	79	142	52
D	....	3	....	....	65	153	27	49	93	269	18	41
E–D	2	....	....	....	7	7	2	1	65	37	36	30
E > D	....	....	....	....	....	1	....	....	7	....	4	1
E = D	2	....	....	....	7	6	2	1	53	31	26	24
E < D	....	....	....	....	....	....	....	....	5	6	6	5

* Election Record: E = 2 times, D = 1 to 2 times, E–D = 1E and 1D

† Election Record: E = 1 to 2 times, D = 1 to 3 times, E–D = 1E and 1D

‡ Election Record: E = 1 to 3 times, D = 1 to 3 times, E–D = 1–2E and 1–4D

	1924 ELECTION§				1929 ELECTION¶				1931 ELECTION#			
	Post-1918		Pre-1918		Post-1918		Pre-1918		Post-1918		Pre-1918	
	Elected	*Defeated*	*Elected*	*Defeated*	*Elected*	*Defeated*	*Elected*	*Defeated*	*Elected*	*Defeated*	*Elected*	*Defeated*
New Entrants	71	280	5	5	63	627	....	4	114	209	2	....
E	196	56	116	13	166	62	73	15	155	59	54	7
D	61	282	3	26	86	261	3	21	92	206	2	5
E–D	110	116	53	38	172	105	52	22	148	176	46	19
E > D	54	20	27	15	78	23	29	10	83	51	32	6
E = D	40	59	14	6	41	35	14	4	31	82	6	11
E < D	16	37	12	17	53	47	9	8	34	43	8	2

§ Election Record: E = 1 to 4 times, D = 1 to 4 times, E–D = 1–3E and 1–4D

¶ Election Record: E = 1 to 5 times, D = 1 to 5 times, E–D = 1–5E and 1–5D

Election Record: E = 1 to 6 times, D = 1 to 7 times, E–D = 1–6E and 1–6D

TABLE I (CONTINUED):

ELECTION EXPERIENCE OF CANDIDATES FOR, AND MEMBERS OF THE HOUSE OF COMMONS, 1918 TO 1955

	1935 ELECTION**				1945 ELECTION††				1950 ELECTION‡‡			
	POST-1918		PRE-1918		POST-1918		PRE-1918		POST-1918		PRE-1918	
	Elected	*Defeated*	*Elected*	*Defeated*	*Elected*	*Defeated*	*Elected*	*Defeated*	*Elected*	*Defeated*	*Elected*	*Defeated*
New Entrants	56	320	....	....	252	733	....	1	69	869	....	....
E	198	45	40	....	140	94	4	3	287	65	1	....
D	27	229	....	5	78	116	....	....	61	238	....	....
E–D	256	122	38	12	162	92	4	4	204	70	3	1
E > D	140	14	32	6	64	51	4	3	78	15	3	1
E = D	81	37	4	3	43	21	....	1	65	30	....	....
E < D	45	71	2	4	55	20	....	....	61	25	....	....

** Election Record: E = 1 to 7 times, D = 1 to 7 times, E–D = 1–6E and 1–8D

†† Election Record: E = 1 to 7 times, D = 1 to 7 times, E–D = 1–7E and 1–8D

‡‡ Election Record: E = 1 to 8 times, D = 1 to 9 times, E–D = 1–7E and 1–9D

	1951 ELECTION§§				1955 ELECTION¶¶			
	POST-1918		PRE-1918		POST-1918		PRE-1918	
	Elected	*Defeated*	*Elected*	*Defeated*	*Elected*	*Defeated*	*Elected*	*Defeated*
New Entrants	13	326	....	....	26	440	....	....
E	325	12	1	....	293	11	....	....
D	33	365	....	....	43	290	....	....
E–D	251	48	2	....	266	38	2	....
E > D	130	8	2	....	169	10	2	....
E = D	85	23	....	....	65	7	....	....
E < D	36	17	....	....	32	21	....	....

§§ Election Record: E = 1 to 9 times, D = 1 to 9 times, E–D = 1–9E and 1–6D

¶¶ Election Record: E = 1 to 10 times, D = 1 to 5 times, E–D = 1–10E and 1–10D

The meaning of the classifications used requires some explanation. "New entrants" are candidates who are making their first appearance in the election for the year given in each of the successive headings of the table. This definition applies precisely to the post-1918 group; pre-1918 new entrants have a pre-1918 record, but in their first appearance in 1918 or later are called new entrants. In 1924, for example, 71 new entrants were elected, and 280 were defeated. In the same year 5 new entrants who had pre-1918 records but no record in 1918 nor thereafter until 1924, were elected; and 5 pre-1918 new entrants, defined in the same way, were defeated.

"E" refers to candidates whose previous record, counted from the 1918 election, shows only success. In 1924, to use that year again as an example, this could mean one preceding victory, or as many as four, if resignations or other interruptions had given occasion for candidacy in by-elections. For the pre-1918 group the meaning of "E" is the same — nothing but success since 1918, regardless of what may have occurred prior to 1918. "D" is similarly defined, but refers to defeat.

The "E–D" classification includes the large groups of candidates — both with and without pre-1918 records — who have a record of both success and failure. This is, as would be expected, a very large group because most records of substantial length include defeats as well as victories. Since it is a large group, it has been sub-classified in the table to show mixed records including more elections than defeats (E more than D), defeats and elections in equal numbers (E equal to D), or fewer elections than defeats (E less than D).

The headings of the table give for each election year the minimum and maximum dimensions for each of these classifications. These dimensions are largest in 1950, 1951, and 1955, of course. In 1955, "E" may mean from once to as many as ten times elected in the period from 1918 to 1955. Similarly, in 1951, "D" may mean from once to as many as nine times defeated since 1918. Mixed records in 1955 show a range from $E^{1}D^{10}$ to $E^{10}D^{1}$, employing the symbols used in the table to show election and defeat.

The arrangement of the table suggests one purpose which these figures can be made to serve. The effect of previous experience upon the chance of success appears in the figures for each year. Since these are actual numbers of candidates, the effect of previous experience is more readily visible if the numbers are converted into percentages, as in Table II. The counts began with 1918, so these percentages are shown from 1922. The pre-1918 classification has been omitted from this table, since it becomes less and less significant as a fraction of the total group.

In all of these elections, except 1931 and 1935, candidates with a previous record of unbroken defeat show a higher proportion of victory than do the new entrants. This is hardly surprising — any attentive student of elections would say that any sort of previous record is usually better than no record at

TABLE II

PER CENT OF NEW ENTRANTS WINNING ELECTIONS COMPARED TO SIMILAR PER CENT OF CANDIDATES WITH PREVIOUS RECORDS OF ELECTION AND OF DEFEAT

Election	*New Entrants*	*E (Past Record of Election)*	*D (Past Record of Defeat)*
1922	24%	73%	28%
1923	16	71	25
1924	20	77	17
1929	9	73	24
1931	35	72	30
1935	14	80	10
1945	25	40	40
1950	6	80	20
1951	3	96	8
1955	5	96	13

all. These figures are chiefly interesting for the measurement of these proportions. They also reveal a very interesting fluctuation from one election to another. Mixed records have been omitted in order to simplify it; but any reader may make the calculations for himself from the figures given in Table I.

In order to illustrate the dimensions which have been omitted in Table I in order to keep it simple, a full tabulation of all classifications is given in Table III for the years 1935 and 1955. These years were chosen because there

TABLE III

ELECTION EXPERIENCE OF CANDIDATES FOR THE HOUSE OF COMMONS, 1935 AND 1955

(Post-1918 records only)

Election Record	*1935*		*1955*	
	Elected	*Defeated*	*Elected*	*Defeated*
New Entrants	56	320	26	440
E (1)	79	40	26	....
E (2)	32	2	60	4
E (3)	25	1	145	7
E (4)	14	....	43	....
E (5)	22	2	6	....
E (6)	25	....	7	....
E (7)	1	....	1	....
E (8)	....	....	2	....
E (9)	....	....	2	....
E (10)	....	....	1	....
D (1)	17	115	17	166
D (2)	4	64	18	85
D (3)	1	28	5	28
D (4)	1	15	3	10
D (5)	4	5	....	1
D (6)	....	2	....	....

TABLE III (CONTINUED):

ELECTION EXPERIENCE OF CANDIDATES FOR THE HOUSE OF COMMONS, 1935 AND 1955

(Post-1918 records only)

Election Record	1935 Elected	1935 Defeated	1955 Elected	1955 Defeated
E (1) D (1)	57	30	33	4
D (2)	14	20	17	8
D (3)	10	9	6	4
D (4)	7	10	2	4
D (5)	4	9	....	1
D (6)	....	3	....	....
E (2) D (1)	34	3	43	2
D (2)	14	5	19	3
D (3)	4	8	2	2
D (4)	2	6	2	1
D (5)	2	5	....	....
D (6)	....	1	....	....
E (3) D (1)	18	2	33	1
D (2)	13	2	15	3
D (3)	10	2	7	....
D (4)	2	....	3	....
E (4) D (1)	22	1	16	....
D (2)	16	3	6	....
D (3)	6	1	9	1
D (4)	....	....	4	....
D (5)	....	....	....	....
D (6)	....	....	....	1
E (5) D (1)	22	1	9	1
D (2)	3	1	6	1
D (3)	1	....	2	....
D (4)	....	....	4	....
D (5)	....	....	1	....
E (6) D (1)	5	....	1	....
D (2)	....	....	4	....
D (3)	....	....	3	....
D (4)	....	....	1	1
D (5)	....	....	1	....
D (6)	....	....	1	....
E (7) D (1)	....	....	6	....
D (2)	....	....	2	....
D (3)	....	....	2	....
E (8) D (1)	....	....	1	....
D (2)	....	....	2	....
D (3)	....	....	1	....
E (9) D (1)	....	....	1	....
E (10) D (2)	....	....	1	....

is a great change in the group of candidates. As the figures in the classifications imply, 1935 marks the end of a large number of careers which began in 1918 and before; and by the same token, a very large part of the candidates of 1955 have records that go back no farther than 1945. Pre-1918 records have been excluded because they did not constitute a very large proportion of the candidates of either year.

The detailed counts in Table III reveal what might be called the limits of continuous performance. It is not surprising to find records of re-election of considerable length in these 1955 figures: E (10); E (10) D (2); E (8) D (3). These were candidates who were willing to go on winning. The table also shows the determination which led to repeated efforts in the face of defeat. Perhaps there is a case for saying that candidates of the present day cannot equal their predecessors in fortitude: two candidates of 1935 had endured six consecutive defeats; only one candidate in 1955 had suffered as many as five. A similar phenomenon appears in the mixed records — six defeats seem to mark the limit of endurance, even when accompanied by six victories.

The data assembled are not yet sufficiently complete, nor readily available for analysis, to make it possible to distribute candidates according to party affiliations. When the larger study referred to at the beginning of this article has been completed, it will be possible to show how these records are distributed among the major and the minor parties.

The preliminary results which are set forth in these tables reveal many aspects of the people who compete for seats in the House of Commons. At a later time it will be possible to elaborate these results.

MAJORITIES AND MINORITIES IN WESTERN EUROPEAN GOVERNMENTS

OTTO KIRCHHEIMER
Graduate Faculty, New School for Social Research

I PROPOSE to confine myself to political parties as they operate as majorities and minorities within the framework of political regimes typical of Western Europe. Democratic regimes know only one permanent majority-minority relation: the one between the majority power, which is the popular sovereign, and the minority powers par excellence, that is to say, those which act through the constituted organs of the state, parliament and executive. Contrasted with the popular sovereign, the groups that operate the executive branch and those that dominate parliament are themselves in a minority position. The control of the permanent minorities, which is the executive, by the popular majority makes such a situation tolerable. The political party, agent of liaison between the constituted organs of the state and the popular sovereign, tones down some of the inevitable consequences of the permanent majority-minority relationship, that between those who rule and those who are ruled. It can do so effectively, because in contrast to the unchangeable and permanent majority-minority relations between the sovereign people and all the constituted organs, the concept of a majority party or a minority party implies reversibility of majority and minority positions. As the agent that connects the popular sovereign with the sphere of governmental action the political party undergoes a change in this very process; it will never lose sight for very long of its birthright, its claim to conquest of full power, or at least participation in effective exercise of power. In the modern party, the democratic system has found the elixir, which — concededly at high cost — dissolves enmity and obstruction and generates and engineers maximum consent and satisfaction. But this elixir is made of the eternal hope, sanctioned by constitutional law and enforced by the climate of opinion, that today's party minority will be the majority tomorrow and establish itself at the seat of government.

The degree to which such a system proves workable depends largely on the nature of the political parties which are operating under it. The most important type, dominant by now in many countries, is the democratic mass party. It rests on a nucleus of professional political personnel and on a party membership of great variety in size and intensity of loyalty feelings. At the same time it entertains amicable relations with and finds support among a variety of interest groups. Both form and intensity of relations with the latter groups, whether they are religious, middle-class, or entrepreneurial organizations, who are among the traditional backers of Christian type catch-all people's parties, or trade-unions, as in the case of labor or socialist mass par-

ties, are governed by limiting considerations. The parties need to appeal to as large as possible numbers of voters and the interest groups similarly need to avoid irreversible commitments antagonizing too deeply other and possibly momentarily more weighty political forces. Hence the marked watering down of purely ideological commitments. The stress now lies on the complex interplay of a multitude of groups which, as the 1957 draft program of the SPOe, the Austrian Socialist party, has it, may combine in a great variety of ways.[1] The style and *modus operandi* of the parties thus adapt to the new social economic and intellectual landscape of our period.

Social status and position in the production process may still be the most important single determinants around which the public's party preference is built,[2] but democratic mass parties need to aggregate as many interests as possible in their fight for majority status. Both the consequent need for as broad a social basis as possible and some regard by both adherents and voters for proclaimed party goals and featured personalities, have their effect on party patterns, outlook and clientele. They look the less "chemically pure," the more they are geared toward immediate political action rather than toward common recitation of belief systems.[3] Modern industrial society has contributed to break down barriers among various elements of the new employed middle class, the skilled workers, the middle ranks of the white collar, and the civil service ranks. Similarities of situation and expectations outweigh existing traditional distinctions, even though we are far from the unified middle-class society stressed by some authors.[4] "Celebration of individual character and effort," says an industrial sociologist, "has in some measure been superseded by a belief in individual adaptation, just as the struggle for survival and the pursuit of self-interest has been superseded by the image of co-operative teamwork." [5] Essential goals for which the individual had been fighting in earlier times are now wrapped up in his standardized "existence

[1] *Das Neue Programm der SPOe* (Vienna: Wiener Volksbuchhandlung, 1957), p. 11.

[2] Cf, Hirsch-Weber/Schütz, *Wähler and Gewählte* (Berlin: Vahlen, 1957), Table 52, p. 249, and conclusions, p. 403. According to the remarkable analysis of voters' preferences during the January, 1956, National Assembly election in the first sector of the Seine department, 7 out of 10 participating workers voted Communist: Jean Stoetzel and Pierre Hassner, "Resultats d'un sondage dans le premier secteur de la Seine," in *Les Elections du 2 Janvier 1956*, ed. Duverger, Goguel, Touchard (Paris: Colin, 1957), pp. 272, 274. The quite different distribution of the peasant vote with 56.75 per cent calculated to have gone to the right in 1956 is discussed in Joseph Klatzmann, "Geographie electorale de l'agriculture française" in J. Fauvet and H. Mendras (eds.), *Les Paysans et la Politique dans la France Contemporaine* (Paris: Colin, 1958), pp. 39, 48. The same volume also contains excellent monographs tracing, among other factors, the influence of both variations in property structure and degree of industrialization on the political attitude of the peasantry. *Ibid.*, pp. 389–461.

[3] G. E. Lavau, "Definition d'un parti politique," *Esprit*, January, 1958, p. 427; the point is made in some detail in Jeanne Hersch, *Ideologies et Réalités* (Paris: Plon, 1956).

[4] S. Landshut, "Die Auflösung der Klassengesellschaft," in *Gewerkschaftliche Monatschefte*, VII (1956), 451; the same point is made in H. Schelsky's speech, "Haben wir heute noch eine Klassengesellschaft?" reprinted in *Das Parliament*, February 29, 1956.

[5] Reinhard Bendix, *Work and Authority in Industry* (New York: Wiley, 1956), p. 339.

package"; this includes softening of hardships from loss of employment, sickness, and old age.

At the same time that the condition of the new middle class becomes materially more comfortable, secure, and perhaps, correspondingly, more boring, the cleavage that separates this new middle class from the more successful elements of the older independent middle classes — the artisans and peasants of medium-size holdings, both with enough capital equipment to profit from technological progress — is diminishing. The technological revolution is changing the outlook of these tradition-bound and conservative groups at the same time that it reduces their size. Increasingly enmeshed in the fortunes of the national economy, they now raise claims, identical with those of the new middle class, for guaranteed real-income levels and participation in social-insurance schemes. To this extent the struggle between the independent old middle class and the employed new middle class is more a struggle for larger shares of similar social welfare provisions than a clash of incompatible programs. The impact of this changed social structure permeates all political parties, whatever their official label.

The lower degree of social polarization is to be seen in other groups as well as among the middle classes. At the same time the parties often feel greater community of interest in resisting the invasion of alien political systems. The consequences are more rational party structures, less bound by ideology. This fact eases interparty relations and increases the parties' potential to develop — below a thin veneer of ideology — many features of an interest market.

A look at the composition of the parliamentary groups of major mass democratic parties might exemplify the system of party-interest group interrelation and show how the parties are integrating a great variety of groups with at times parallel, at times contradictory claims on the state, and how they equip themselves for the job of both representing and in this process mediating between group interests. Most available tabulations of occupational background and status data for parliamentarians are not conclusive, for they focus mostly on the past, which is an element — but only one element — in the analysis of the legislator's specific role after he enters parliament. It would be more practical to break down parliamentary personnel into three categories, with allowances for changing roles or cumulation of different roles even through one legislative term. The three categories I visualize would be:

(1) A small group of leading party men, a group identical in part with what the French call *ministrables* and in part with the parties' principal office-holders who initiate and, after proper consultation with competent party bodies and parliamentary groups, negotiate the outline of agreements of major issues of foreign policy and nonspecialized areas of domestic affairs.

(2) The much larger supporting cast of political professionals who act as transmitting agents—i.e., party executives, propaganda experts, organizers, party men in public administration, etc. — in brief, the large army of party officials or appointees on the national or, more often, the regional or local level in charge of a two-way communication system that puts the people in contact with political decision.

(3) The large body of direct representatives of specific interests. A legislator in this group may have arrived there in any one of many different ways. He may have been active in both interest group and party organization, functioning as a natural liaison man; he may have come up from party ranks and then taken charge, as a local government executive, of a specific sector of public enterprise; or he may be a farmer, an industrialist, an artisan, or a self-employed professional and have been propelled, on the strength of business reputation or professional standing, into a leading position with his farm, trade, or professional association, acting on its behalf within the associated party and representing it in governmental councils or parliamentary bodies. Or else he may be a technician (economist, lawyer, chemist, engineer, public relations counsel, etc.) on the staff of an interest group holding a parliamentary seat as part of his staff assignment. At least in the latter two cases more often than not affiliation with the interest group is the decisive element. Often the interest group will have made a special contribution to the campaign fund of the party in question for "the acquisition" of the parliamentary seat.

Quantitative proportions do not really matter. Group influences are weighed, not counted.[6] Generally, a key committee assignment for one liaison man in parliament is more important to an interest group than votes cast on the floor by a whole bunch of backbenchers. And if there should be danger that the parliamentary process produce results detrimental to the interest group, it will rely on its normal access to key men of the administrative machine, or, if need be, party and government bosses, to have the right proportions restored. Often direct access to administrative personnel assigned to legislative groundwork will promise more substantial returns than proper proportional representation among parliament members.[7]

As for relative numerical weight among the legislators of career politicians as against representatives of specific group interests, the proportions will vary from party to party and from country to country, influenced by tradition, party mechanics, degree and character of interest organization, and the

[6] Failure to differentiate between major politically relevant pressure groups and their party connections on the one hand, and a great variety of minor groups and "causes" on the other, mars, e.g., the study by G. D. Stewart, *British Pressure Groups* (New York: Oxford University Press, 1958).

[7] This point is brought out very well in Henry Ehrmann, *Organized Business in France* (Princeton: Princeton University Press, 1957), p. 258.

vagaries of the election law. Men of specific group interests will be less numerous among parliamentarians representing a traditional party of organized labor with its solid but relatively homogeneous group connections and proven advantages of recruiting legislative personnel from the ranks of salaried or honorific party office-holders and union leaders, than among middle-class parties of the "people's" party type. Among them recruitment from the top strata of voluntary organizations, professional and community groups outside the area of career politics has been part of the cultural tradition. Participation of interest group representatives will be heavy in a country like Western Germany where the party system is stable with few, rather well-disciplined parties, and organized interests through well-nigh a century have developed a closely knit network of political connections.[8] The proportion will be much smaller in France,[9] where the great number of parties, the organizational weakness of most parties, and their ideological orientation allow both parties and individual members to be put more easily under interest pressure emanating from outside parliament.

No matter through what channels the interest representative got into parliament, he usually is concerned with arrangements desirable to his group as a whole rather than with promoting individual business propositions. It is worth noting here that, although not yet down to zero, the share of lawyers, who used to fill the ranks of parliament in former times, has been well on the decrease.[10] The lawyer still may perform his traditional part as a mediator of group interests—especially in middle-class parties—but if he were out to use his office to perform services for individual clients, which he is used to doing professionally, he would be jeopardizing rather than helping his career in European politics.[11]

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[8] See the forthcoming study of Arkadius L. Gurland on the "Pattern of Interest Representation in German Postwar Parliaments."

[9] Ehrmann, *op. cit.*, pp. 242–56.

[10] In the century between 1848 and 1949 the number of practicing lawyers went down from 11.5 per cent sitting in the Paulskirche to 6.3 per cent in the first Bonn Bundestag, calculated after Karl Demeter, "Die soziale Schichtung das deutschen Parlamentes seit 1848 im Spiegelbild des Strukturwandels des Volkes" in *Vierteljahresschrift fur Soziel-und Wirtschaftsgeschichte*, III (1952), 1–29, and Otto Kirchheimer, "The Composition of the German Bundestag," *Western Political Quarterly*, III (1950), 590–601. In order to understand these figures correctly it might be worth mentioning that in the 1848 assembly judges comprised 31.6 per cent while the total number of professional civil servants excluding political office-holders in the first Bonn Bundestag was 3.6 per cent. The total number of *hommes de loi* comprising lawyers and a much smaller number of magistrates and notaries in the French second chamber went down from 26.5 per cent in 1910 to 12.7 per cent in 1956: cf. Mattei Dogan, "Les candidates et les elus," in Duverger, *op. cit.*, p. 456, and the same author's "L'origine sociale du personnel parlementaire français" in *Partis Politiques et Classes Sociales et France*, ed. Duverger (Paris: Colin, 1955), p. 309.

[11] In March, 1958, the lawyer chairman of the Bundestag committee for restitution resigned from the committee chairmanship when it became known that he held power of attorney from the lawyers of a sizable bloc of restitution claimants residing in foreign countries. 1958 legislation of the bureaucratic semi-authoritarian De Gaulle regime has established a system of severe incompatibilities for various kinds of office-holders:

In a way, the declining importance of the practicing lawyer in parliamentary life points to the changing role of the party, whose influence has come to rest on the interpenetration of political machines and group interests. If corruption be taken to mean conduct designed to influence public agencies in a sense deemed undesirable by the community, this certainly would include, and stigmatize, any use of political office for the furtherance of individual as against group interests.[12] To be sure, there remains quite a sizable marginal area. Influence-peddling as a gainful pursuit of the individual politician is becoming less frequent; what is more important are the efforts by zealous party officials to wangle private funds for depleted party treasures.[13]

The point is illustrated by a recent political skirmish in Austria. Since the war Austria has been ruled by a coalition of the Austrian People's party and the Socialists (on which I shall comment later), sharing office and spoils but continuing to compete with each other in electoral terms. Recently the Vienna district chairman of the Austrian People's party had made a deal, sealed in a formal contract[14] with Transfines, a private import-export firm, wherein he undertook to furnish for cash his party's business contacts; the size of his fee — with which to pay off the debts of the party office — was to depend on the success of transactions made possible through his efforts. The attitude the party took when the story broke was a bit ambiguous. A party honor court and the party's headquarters expressed disapproval but the influence-peddling party dignitary was not disqualified from holding party office, and the slate of candidates he headed obtained a thumping 95 per cent of the delegates' votes at the next district convention of the party organiza-

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among others, the parliamentary lawyer's right to represent clients in negotiation and controversies with public bodies has been severely curtailed; he is equally barred from most criminal trials regardless of whether they have a financial or a political background. The latter point does not so much involve the government's zeal to avoid conflict-of-interest situations, but rather mirrors its general tendency to keep possibilities of parliamentary interference with and supervision of the administration at an irreducible minimum. However, a recent decree (*Journal Officiel* of February 7, 1959) has relented somewhat, making allowance for a partial comeback of the *avocat parlementaire*.

[12] The British material tracing the recognized demarcation line between legitimate representation of group interests within the framework of the parliamentary group and illicit exploitation of political office for the private gain of the parliamentary representative has been collected in Madeline R. Robinson, "Parliamentary Privilege and Political Morality in Britain, 1939–1957," *Political Science Quarterly*, LXXIII (1958), 179–205; see especially p. 197, the interesting remark by Churchill, who recognizes representation of particular groups of non-political character within the parliamentary parties as a "condition of our varied life"; in the same sense, Earl Attlee in "The attitudes of M.P.'s and Active Peers," *Political Quarterly*, XXX (1958), 29, 31.

[13] This statement is not intended to convey a judgment as to the political effect of increasingly strict normative limitation on the pursuit of self-interest; it may well be argued that transformation of an individual into a conscious group representative and bearer of a group mission diminishes chances of accommodation; perfect integration of the individual into the group may be reached at the expense of wider integration of the individual into the community. The point has been widely discussed in American and German sociological literature: cf., e.g., Lewis Coser, *The Functions of Social Conflict* (Glencoe: Free Press, 1956), pp. 115 *et seq.*

[14] Published verbatim in Socialist *Arbeiter Zeitung* (Vienna), January 12, 1958, p. 1.

tion; two office-holders who had been directly responsible for the deal were given other assignments. Party authorities were aware, and so stated officially,[15] of the general public's sour reaction to the deal. But regularizing the flow of income for a party unable to live on membership fees remains problematical. Presently the party chairman, Federal Chancellor Raab, endeavors to mobilize his prestige in order to put party finances on a broader and more stable basis. Following the example of the well-heeled German sister organization, the CDU,[16] he tries to convince the party's potential sponsors that they should remain satisfied with having supported a program generally in line with their broader social and economic orientation rather than continue to press for consideration of their particular claims in exchange for financial support of the party.

The line separating acceptable political representation of group interests from illicit pressuring for individual claims is hardening. The party performs a legitimate and approved-of function when it brings major interest groups into harmony with the political community at large, and when it filters the groups' claims, checking and weighing them against others.[17] Before chaperoning this or that interest grouping for a rendezvous with public powers the party-commissioned duennas may see to it that the grouping's claims be aligned with more general policy requirements attributable to the common weal.[18]

If all individuals were well integrated into either parties or party-connected interest groups and if general standards of values were commonly accepted, the government formula would become a purely technical matter, a kind of applied statistics securing satisfactory consideration of all the group claims, with majorities and minorities changing places according to their ability and perspicacity in foreseeing, correlating, and servicing the wants of their respective clienteles. But this, of course, is a far cry from reality. The individual is not always well integrated to his social or professional group — his membership may be nominal or he may be in permanent revolt against his group's

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[15] According to *Die Presse*, January 11, 1958, p. 3, the party's national chairman, Weinberger, Deputy Mayor of Vienna, stated, after some discussion of the party's financial plight as the affair's background, that the Vienna chairman's conduct was neither "popular nor likeable."

[16] See Arnold J. Heidenheimer, "German Party Finance: the CDU," *American Political Science Review*, LI (1957), 369–85.

[17] One of the most "perfect" examples of a party integrating interest groups is the Belgian Catholic PSC (*Parti Social Chrétien*). This is the successor to the Catholic party which was officially a *Standespartei*, a federation of Catholic farmer, labor, and middle-class organizations, plus the aristocratic and bourgeois Catholic political clubs. The PSC now is a "unitary" party of individual membership in form, but in practice it still functions by intra-party deals at national and local levels among its constituent social groups. A. Simon, *Le Parti Catholic Belge* (Brussels, 1958); R. H. Hojer, *Le Régime Parliamentaire Belge, 1918–1940* (Uppsala & Stockholm, 1946).

[18] On the largely uncharted subject of party autonomy in relation to supporting interest groups see the interesting remarks of Jean Meynaud, *Les Groupes de Pression en France* (Paris: Colin, 1958), pp. 180, 181.

leadership — or he may be a member of a variety of groups with conflicting party affinities.

The same process that has created a new middle class and lessened the distance between the old and new elements has everywhere uprooted diverse other social strata, and has so far failed to assign them a satisfactory position within the new society. The main victims of this process of transformation have been older people whose income has not kept pace with inflation, small peasant holders, small artisans and retailers without the capital to modernize their shops, and those white-collar elements economically outflanked by many groups of manual workers and unable to acquire a new feeling of "belonging" to compensate for the meagerness of their occupational existence.

These people may either remain isolated or belong to marginal, often fly-by-night protest groups which do not find a place in the universe of the accredited major interest groups. But all the same, whether remaining isolated individuals or becoming members of protest groups these people are entitled to vote. It may well be that the ubiquitous process of privatization, people's preoccupation with their own concerns and their lack of interest or ability to connect their own fate with that of the community at large, is somewhat further advanced among such non-group-integrated voters than among other members of the community. Still, a look at the election participation in many a European country bears evidence that most such citizens must exercise their voting privileges, even though they may not meaningfully connect this form of civic exercise with the affairs of the polity at large.[19] They emulate Beckett's Estragon with activity becoming another form of passivity.[20] Yet, whatever the meaning of this vote, it counts: parties will make efforts to play up to it, even if the difficulties in establishing relation with the isolated individual are much more formidible than the job of co-ordinating group interests.

The political parties' potentialities for integrating — even if only at a very superficial level — into the political community those numerous elements which are neither absorbed nor absorbable by party or interest group connections must therefore derive from the basic features of democratic government: every party shall have the chance to be associated with government

[19] From the already quoted opinion poll taken after the 1956 French elections in a cross-section of Paris voting districts (14) it may be seen, e.g., that about one-half of the respondents did not relate their voting decisions to a current political controversy, or the concrete program offered by whatever party they chose. While party preferences appear interchangeable, the stated inclination of the choice indicated a vague expectation that the party or candidate selected would do a better job than those discarded in removing the cause of unspecified dissatisfaction. From what is known about the state of mind of the German voter it may be concluded that the major difference is in the psychological background of equally vague and undifferentiated motives oriented toward a model of stability rather than change. Stoetzel and Hassner, *op. cit.*, pp. 233–35.

[20] An interesting comparison of the voters' situation with the situation of the individual in our society may be drawn from Gunther Anders, *Die Antiquiertheit des Menschen* (Munich: Beck, 1956), p. 218.

operations as the responsible majority or a minority called upon to watch and criticize and in this process impress the population at large with its capacity to act as the spokesman for the community rather than as a skillful exponent of specific group agenda.

Measured by the classic standard of parliamentary rule, Western Europe's government formulae developed in the postwar period do not invariably show the simple contours of the traditional British government-opposition, majority-minority relationship. Frequent failure of general elections to return a clear-cut majority — not always determined by mere technicalities of the election system — certainly contributes to the deviation from the classical model; but it is not the only contributing factor. At closer view, parliamentary systems of the British type appear predicated on a combination of indispensable conditions, which have not always been met in continental experience. These requirements may be described as follows:

(1) Wide area of agreement on basic features of domestic policy, or, at least, a considerable degree of mutual tolerance for policy changes, implying an understanding of the limits of permissible changes, which is the essence of the "modern Elizabethan compromise."

(2) Reliance on the majority's willingness to keep the opposition — or its titular leader — informed of major foreign policy plans and take dissenting opinion under advisement.

(3) Unquestioning acceptance of policies and orders emanating from the parliamentary government by the bureaucratic hierarchy and the military, acceptance precluding political plots of the personnel of government agencies against the exponents of parliamentary rule, whatever their political complexion.

(4) General recognition of basic rules of conduct, under which the majority may be trusted not to use its hold on the governmental machinery unfairly so as to stay in power forever, and the minority may be expected not to turn its opposition into obstruction and sabotage.

In a parliamentary system most drastically deviating from the British model, no reciprocal loyalty will be taken for granted nor will one party give the other credit for sticking to the rules; distribution of power positions as between majority and minority will be negotiated in minute detail by advance agreement, and the utmost care will be taken to anticipate all possible change and build safeguards to prevent disruption of the negotiated balance. In its purest form this technique may be observed in Austria, where all cabinets since 1945 have originated in the continuing association of the two major parties, the Austrian People's party, with presently (before the May, 1959 elections) 46 per cent, and the Socialists with 43 per cent of the popular vote.

Located at opposite poles of the parliamentary government scale, the

British and the Austrian systems display one common characteristic. Under both, maximum consideration is given to points of view and interests represented by the party with the smaller share in parliament seats, with the result that government policy is incessantly modified and adjusted to minimize operational frictions. This does not make the operation smooth, and a great deal of energy and labor goes into adjustment. But the machinery operates without major upset. The foundation in the British case is the self-enforceable usage, ensured by the governing majority's self-interest, which makes it look beyond the legislative terms and adapt policy-planning to such changes of political climate as may be inferred from content and vigor of minority criticism. By contrast, in the Austrian case nothing is entrusted to usage or precedent; nothing is left to chance; nor is any reliance placed in the rival's presumed self-interest or sense of fair play. From age-old mutual distrust, memories of an unhappy association in the 1920's, participation on opposite sides in the civil war of 1934, and enforced co-operation under the 1945–55 occupation regime, Austria's feuding parties have evolved a contractual system of combined management, which rigidly restricts their freedom of action; no piece of major legislation may be introduced, no major administrative decision or appointment made by one partner without consent of the other.[21]

Whatever the difference in techniques, the relationship between the leading party in the elections and its chief rival has specific implications, not too dissimilar for both Britain and Austria. In countries in which general elections produce parliamentary one-party majorities — as in Britain — the majority party forms the cabinet and has the initiative in determining the share to be conceded to the minority's concepts and demands. In Austria, where — barring electoral changes of landslide dimensions unknown in the history of either the first or the second Republic — neither party has a majority in parliament, the outcome of the election does not deliver the government machinery to either the Austrian People's party or the Socialists. But in giving the one party a plurality edge over the other, it determines their respective shares in governmental power. In proportion to the percentages of votes cast for either, governmental arrangements are immediately readjusted.

In the Austrian system, the minority's hope to acquire majority status has not been extinguished, but it has lost importance. Miniscule changes in electoral preferences instantly turn into gains or losses of individual positions and patronage. For the expectation of sudden and incisive change as a result of minor shifts in voting percentages (which indicated an odd trust in the miraculous mechanics of numbers) has been substituted the certainty that government action will be based on a weighted index of votes. The very

[21] Replying to criticism on the floor by two minor parties represented in Austria's parliament, the Socialist *Arbeiterzeitung*, December 8, 1957, p. 2, cogently observed that the two government parties, in permanent opposition to one another, were under reciprocal control as coalition partners. "With and against one another, a co-operation and opposition — such is the Austrian government formula," the Socialist daily added.

terms, majority and minority, acquire a different meaning under the circumstances; here they merely denote quantitative positions under a co-operative program wherein elements of restricted and controlled competition have been assigned specific places.[22]

The classic majority-minority formula and the semi-permanent joint management of government affairs by strong partners jointly controlling an overwhelming majority in parliament show the wide range of variations in government formulæ characteristic of different periods in individual countries. There is no need to dwell on transitional and anomalous subspecies such as minority cabinets tolerated by shifting heterogeneous majorities, caretaker cabinets made up of non-party officials, all-party coalitions in national emergencies, etc., all essentially stopgap arrangements, which have no bearing on the problem under discussion. There is no need either, to scrutinize in detail the Swiss pattern; not a parliamentary government in the exact meaning of the term, Switzerland's multiparty Federal Council comes as close to the Austrian model as frequent intercessions of referenda will permit.

When these atypical combinations are eliminated, four major types of continental European government patterns become discernible. They are:

(1) The more-or-less classical majority-minority system, which has been operating with longer or shorter interruptions in Norway, Sweden, and Ireland.

(2) Domination of the cabinet by one preponderant party, controlling over 40 per cent of the popular vote with the assistance of minor groups which provide the wanting parliamentary votes or important regional strongholds. This system has been in operation in the Federal Republic of Germany from 1949 to the middle of the fifties and occasionally in Sweden, Belgium, and Ireland.

(3) Multiparty coalitions of groups of unequal and varying strength, as in Holland, Finland, or — a marginal case — Denmark.

(4) A special type of types 2 and 3 dominated by the persistence and strength of an opposition of principle, or several opposition parties of that nature. In Italy (a special case of type 2) and in France during the Fourth Republic (a special case of type 3), there is close co-operation of parties committed to parliamentary rule and, though not necessarily participating in the

[22] The implications of the functioning of the Austrian system for the development of parliamentary institutions has been discussed by Otto Kirchheimer, "The Waning of Opposition in Parliamentary Regimes," *Social Research*, XXIV (1957), 127, 136; the effects of the Austrian system on socio-economic institutions have been studied by Herbert P. Secher, "Coalition Government: The Case of the Second Austrian Republic," *American Political Science Review*, LII (1958), 791–807; some partly deviating interpretations in Charles A. Gulick, "Austria's Socialists in the Trend toward a two-party System: An Interpretation of Postwar Elections," *Western Political Quarterly*, XI (September, 1958), 539–68. The various types of "all parties governments" including the extension of the concept to the government formula of the Austrian provinces have been brought together in Axel Vulpius, *Die Allparteienregierung* (Frankfurt, Berlin, 1957).

cabinet, determined to keep out of the government rival groups of questionable constitutional loyalty. I add that different forms have occurred in the same country at different periods. And the first three categories are based on purely formal parliamentary and coalition mechanics without regard to the content of party politics, while the fourth category derives from this cleavage in fundamental political attitudes.

In terms of majority-minority relationships the system which is based on unequivocal electoral majorities brings about special frustrations when it perpetuates through decades, as it has in Norway and Sweden, the rule of one party again and again returned to office by the voters. Is the situation likely to be reversed? Controversial issues which may favor the opposition certainly have not vanished from the earth; the recent Swedish pension dispute raised such hopes among the opposition parties. When no such issues arise, there is not much minority parties can do outside of hoping for an all-party coalition or relying on the majority's sense of fair play and the general leveling off of party differences in areas not calling for radical political decisions.

A multiparty coalition resulting from considerable proliferation of independent political groups has been a somewhat cumbersome but workable government device, if the participants, as in Denmark, Finland, and the Low Countries, consist of interest and issue-oriented groups, partners in a broad national consensus. It has not worked well in major countries, e.g., Weimar Germany and France of the Fourth Republic. In both cases its partners were hemmed in by a sizable opposition of principles, sometimes on both ends of the political spectrum, with which the moderate groups had to compete in electoral terms while bureaucracy and army increasingly pre-empted the governmental functions. Moreover, interparty relations became the province of the political specialist, but were a hopeless jungle for the average citizen. As he had not the remotest idea of the parties' capacity for solving concrete problems, the alienation of the non-committed voter increased to the breaking point.

Whatever the formula, there is common recognition of the legitimacy of any constitutional party's driving for access to governmental power. Even when interparty relations rest on a maximum of mutual trust, which certainly is not the general rule, as the considerable cleavage in Germany shows in contradistinction to Scandinavian harmony, no party enjoys being kept out of office for a lengthy period of time. A party which takes part in a major capacity in the exercise of power benefits by widening the scope of effective action and elevating its traditional program and the men who handle it to the level of national importance. When outside the government performing brokerage services for its group clientele, the party is in the position of a broker with but little margin to offer to competing clients. Once in power,

it has a chance to arbitrate. This not only enhances its prestige with the interest clientele, but also provides an opportunity for autonomous action beyond the rival pressures of interest groups. A party in power may even have enough vision to make a success of its farthest-reaching program, and embark upon the road toward the promised land of independent self-initiated policy which gives the erstwhile interest agency the appearance of a spiritual force shaping national destiny. It will impress many an uncommitted voter with the image of the party as a projection of widely approved national interests and national symbols. Such a party and its chief become — as indeed happened in contemporary Germany with Adenauer and his party — a household word in daily use; it is not in need of laborious identification as it partakes of this pseudo-familiarity which in mass society has come to substitute for the irretrievable loss of personal contact.

At least in the cases of clear majority-minority relation, the minority's hope of a reversal of roles keeps its meaning even if in a somewhat reduced form. It not only signifies the acceptance of the reshuffling of old and the coming into operation of new interest combinations. It also represents the traditions, hopes, vistas, and projects of a number of loyal adherents and of a nucleus of political cadres. But whatever its degree of devotion and loyalty, the minority's chance to dispossess the present majority, or — as the case may be — the present senior partner of the majority, lies in the weakening and disintegration of the majority. Strategy directed toward this goal is as much an integral part of the patterns of minority behavior as the previously discussed forms of political co-operation with the majority. If the hoped-for split in majority ranks results from deep cleavages rather than from personal rivalries and incompatibilities, it might substantially affect the political situation. Every party in and out of government will concentrate its efforts at all times on causing dissensions and splits in the ranks of powerful rival groups. These splits may coincide and merge with directed strategy for taking away from the latter specific groups of voters. Thus, the Social Democratic party in Germany in the last half-decade has tried in vain to entice the Catholic manual workers away from the reigning Christian Democratic party. The Socialist party of Belgium has long hoped to wean Catholic workers, chiefly Flemish, away from the Catholic party. But its chances have recently been set back enormously because its school policy, seeking a long-run majority by a change in the balance of the Catholic school–public school population, offended Catholic workers along with other sections of the Catholic population. Dissension within the ranks of the majority party and its general discredit with the voters at large, rather than the switch of loyalties of a specific social group, is the goal when the minority throws some divisive issue into the debate to prevent the majority from carrying through a controversial program; witness the present German debate on atomic armament. Usually

party planning in and out of government pursues preservation of cohesion in the ranks (sometimes extending beyond a single party's confines to a coalition) and disruption in the enemy camp. Success of such policies, which depends as much on extraneous factors as on the intelligence, inventiveness, and zeal of the majority, means the disappearance of old and the emergence of new majorities. It is disintegration of majorities rather than simple electoral defeats which alters the parliamentary and governmental landscape; the electoral results confirm the underlying process.

A radical, decisive change has been introduced into the majority-minority mechanism with the emergence of strong political groups not committed to the operational rules of parliamentary government. I am thinking of revolutionary movements and organizations which aim at a social and political order different from the established one but will not forego the use of the latter's institutions for the advancement of their cause. One aspect of the new phenomenon which puts democratic government in a dilemma is the revolutionary groups' willingness to use both legal and illegal means to undermine the foundations of the democratic order. To the revolutionists the issue is spurious. Revolutionary movements at all times are inclined to think of themselves as the custodians of true, genuine, superior legality threatened or violated by established authority, whose wielders they accuse of ruthlessly manhandling law and justice to stay in power. To have to judge the validity of this claim in a concrete situation is just one among many equivocations with which democratic governments are confronted when revolutionary groups begin to attract great numbers of voters in free elections.

Everybody knows how often the problem has come up in recent decades. It is perhaps less well remembered that a similar problem used to vex constitutional governments in Europe long before the rise of modern totalitarian movements. What to do about a strong revolutionary minority had become a pertinent issue by the end of the nineteenth century with the rapidly swelling tide of organized labor socialism. Not integrated with the established political system, the growing socialist parties insisted on the freedom to operate within its framework. In an essential point, however, things were different in those days as compared to more recent experience with Communist activity. True, socialists prior to World War I took a dim view of assuming governmental responsibilities along with parties of capitalist complexion and kept outside the governmental process. Yet most of them consistently rejected the use of revolutionary means for attaining majority status, as they firmly believed that the ballot — unless interfered with — would get them where they wanted to go. A political movement partly disinclined to co-operate and partly prevented from co-operation in the governmental process by those in power, but unshakably convinced that in the long run the very system of legality and free elections would make for its triumph, is cer-

tainly something basically different from present-day Communist parties, to whom it is purely a matter of tactical expediency whether and when to use or not to use illegal means. Relying on the automatism of social and economic development in industrially advanced countries to turn the overwhelming majority of the voters into supporters of the socialist cause, the socialist parties of the pre-1918 era considered exclusion from governmental power a merely transitory stage; eventually they would be voted in by universal suffrage, and power would be theirs to use within a strictly democratic framework.

For the European Communist leadership of our day, however, seizure of power is only tangentially related to the prospect of a majority at the polls. What they primarily count on is a radical shift in the international power setup that would create a situation "objectively" insuring the resumption of the Communist march to power in Western Europe. That is to say, whether or not they stop being semipermanently in the opposition of principle hinges on a complex of factors of which the domestic situation is only one aspect, even though for tactical reasons the Communist party may constantly reiterate its willingness to share in a normal majority government. So far the Communists have not envisaged giving up the isolated status of opposition of principle, to the point of participating in a constitutional government in any other manner than as a first step toward doing away with the established political system in its entirety.

Absence of "objective" impulses for assuming an advance finds its reflection in the general condition inside Western Europe's Communist camp. Regardlesss of differences in organizational structure, ideology, and objectives as between the Communist organizations and other parties, the postwar vogue of depoliticalization and privatization has not spared the Communist rank-and-file. We might take Louis Aragon's verses as a base of comparison for the metamorphosis taking place in human beings as part of an all embracing political experience.

> Mon parti m'a rendu mes yeux et ma memoire,
> Mon parti m'a donné le sens de l'époque,
> Mon parti, mon parti, merci pour tes leçons,
> Et depuis ce temps là, tout me vient en chanson,
> Le colère, l'amour, la joie et la souffrance.

The political reality of the fifties bears little similarity to this image.

The party is hard put to call on sympathizers for political demonstrations, even of minor import; whenever the party machine is out to enlarge its range of influence in an indirect way, it has to be extremely careful to select limited economic objectives susceptible of mass appeal; and it never gets to a point where non-Communist groups could be drawn toward a more permanent partnership. The party's semipermanent minority position is determined not only by its reduced outside appeal, but also, and more so, by the passivity of

its voters, which sets narrow limits to political action. The "Communist apparatus" may be assured of the following's support at election time, and to a lesser degree for some other narrowly circumscribed campaigns, but the mass of the followers will not, at the present juncture, respond to a more drastic call for action. This may not disturb the party's leaders; they may even find the condition satisfactory, since it practically eliminates the great risk of spontaneous mass action. Spontaneous explosions certainly would not be welcome at a time when Western Europe's communism is reduced to the standby job of a supporting cast, not unlike the chorus of Greek antiquity, called upon to induce in the public a state of receptivity, but not meant to take part in the performance. This about sums up the dynamics and potentialities inherent in the Communist party's status as a semipermanent minority.

The Communists' chances of using their position within the limits of the parliamentary process as a substitute for, or, perhaps, in support of mass action will depend on whether or not the other parties will be prepared to accept them as legitimate participants in the majority-minority interplay. This the latter so far have refused to do, even though they have not withheld from Communist legislators privileges guaranteed by the constitution. In France, this refusal on the one hand contributed toward freezing the Communists in the isolated position of a semipermanent minority, an opposition of principle; on the other hand it created the necessary minimum of cohesion to keep together or periodically to renew otherwise quite heterogeneous French governmental majorities.

Such has been, between 1947 and 1958, the development in France, and with certain modifications (due to the status of the Nenni Socialists and the commanding position of the Christian Democratic party) in Italy. Parliamentary quarantining of Communist representatives was achieved by means of procedural devices. One of these procedural devices of special savor was that of not counting favorable Communist votes as part of a majority needed for government formation — although a recent premier found it advisable to count the pro-Communist Progressives while virtuously excluding the Communist party votes. Such devices on the parliamentary and electoral level were supplemented — particularly in Italy — by administrative devices of varying legal validity and political effectiveness, such a non-implementation of constitutional rules for the formation of regional governments, discrimination in administrative appointments and assignments, etc.[23] On the whole,

[23] For a criticism of these practices, cf. Piero Calamandrei, *La Constituzione e le leggi per attuarla in Dieci Anni Dopo*, 1945–1955 (Editori Laterza Bari, 1955), pp. 214–316, and Marino Bon Valsassina "Profilo dell opposizione anticonstituzionale nello stato contemporaneo" in *Rivista Trimestale di diritto publico*, VII (1947), 531–623, esp. 578 ff. A good example of French Fourth Republic administrative technique of discrimination against "infiltrated" interest groups may be found in Jean Meynaud and Alain Lecelot, "Groupes de pression et politique de logement," in *Revue Française des Sciences Politique*, VIII (1958), 821–60.

Communists are granted the freedom of the market place. There is agreement between them and the government to the effect that exercise in the market place may be refreshing so long as the exit is guarded by carabinieri; disagreement is minor — it merely refers to whose carabinieri should watch whom.

It might be interesting to speculate on why the Nazis' threat to the Weimar Republic, which was as deadly, if not more so, failed to produce a realignment of political forces and techniques similar to the one observed in recent years in France and Italy. Postwar lessening of social antagonisms, the presence of the external threat of the U.S.S.R., and the German lesson on what political disarray in the face of a common enemy can do to democratic institutions, may have contributed toward keeping the political machine in operation in defiance of a powerful opposition of principle.

The semipermanent minority status of the opposition of principle has grown out of a specific historical situation. It took shape at a time in 1947–48 when the repercussions from the National-Socialist and Fascist systems were still vividly felt, barring not only the alternative of a right-wing totalitarian mass movement as response to communism, but equally putting temporary obstacles of psychological, legal, and international nature into the way of any form of authoritarian government. The formula of mass democracy operating with a constitutionally admitted but administratively restricted opposition of principle seemed to offer some operative device. However, it does not make for the most beneficent functioning of the democratic system. In distorting the distribution of proportional weight, it blunts the edge of the system. It sins, to save the system itself, against the system's cardinal rule, that the claims of all major groups shall be respected, either by way of the group's inclusion in the government or by means of giving the most careful consideration to demands and interests of groups not so included, which assume the natural function of opposition.

It is possible that substitute channels will open up, contributing toward redressing the faulty balance. For competitive or prestige reasons groups other than the Communists may take it upon themselves to act as the vicarious representatives of social interests previously represented by the opposition of principle.

Generally speaking, vicarious representation is a haphazard device. Reduction in the relative weight of the one group subjected to political quarantine automatically increases that of other groups; this falsifies the standards by which public power arbitrates party claims. Distortion of power proportion not only affects issues of mixed social and political nature, in regard to which the urge to compete for votes may mitigate effects of the vitiated balance. The preweighted scale will prove much more lopsided in issues of greater political importance. There is, e.g., little doubt that curtailment of

the party pool from which French government majorities may be chosen delayed workable agreement on disengagement in North Africa, thus creating emergencies which brought down the whole system.

This is neither the time nor the place for predictions as to whether and under what conditions in countries like Italy and France the opposition of principle will ever change into collaboration on the terms of the parliamentary system. It must, however, be said that the Communist parties and, more so, the labor unions under their control, are under pressure to take care of the day-to-day needs of their clientele; they are exposed in their own ranks to growing insistence on modes of action more consistent with the pattern of traditional labor parties. Therefore, outside the field of well-publicized propaganda, some mutual accommodation might take place between parliamentary parties and the opposition of principle, be it in parliamentary commissions exercising as they do in Italy some measure of legislative prerogatives or be it on the local level.[24] This mitigates, but does not extinguish the consequences of the fact that for the time being, self-isolation preferred by the opposition of principle and the quarantine imposed on it by adverse political forces work hand-in-glove. Permanent exclusion from the government lets the revolutionary party stay virginal and avoids subjecting its doctrine to the challenge of political reality. But it poorly disguises the fact that the Communist machines' frantic efforts to arrest disaffection and win new recruits neither serve immediate revolutionary action nor secure favorable government response to their followers' demands. Beyond possibly salvaging the parties' prestige, such efforts merely husband potential strength against the unforeseeable day for redeployment behind the shield of a propitious "objective situation."

This brings up once more a consideration of farther-reaching importance. I have pointed out the transitory relationship between majority and minority parties; in a mass democracy, which must satisfy a number of conflicting and a great many parallel claims, only a slender dividing line separates the majority from the minority. But this does not in any way imply that mass democracy is doomed blindly to align itself with the lowest denominator and abandon the inseparably interlaced principles of majority rule and minority protection.

Europe's lopsided political compromise of recent experience essentially was forged by two factors, viz., the leveling impact of technological revolution and the shock of first, the fascist, and later, in a more enduring form the communist annihilation of democratic political life. But there are broad areas where neither factor has been able to transfigure large sections of the people and where status and class differentiations not only continue as the determining experiences but also have merged with new loyalties transcending national boundaries. There the majority principle in its unadulterated

[24] Valsassina, *op. cit.*, p. 595.

form has remained and must be upheld as the ultimate provider of democratic legitimacy; its enforcement alone can keep revolutionary minorities within the boundary of the legal order.

It is true that under such circumstances the majority principle is as arid in operation as it is unassailable in the realm of theory. It makes it possible to carry out a necessary holding operation which, however, becomes the more ambiguous the more it is met, if not paralyzed, by a kind of holding operation in reverse emanating, as in France and Italy, from an opposition of principle. Of all varieties of modern mass democracy the one operating under the handicap of a sizable opposition of principle is therefore the least safely anchored. It is deprived of democracy's major advantages, the close and constant interweaving between its basis of legality, the formal working of the majority system and its basis of legitimacy, the broad consensus of the citizenry. This type of mass democracy forms therefore — witness Germany in the 'thirties and present-day France — the point of departure for political venture in quite different directions.

THE NORDIC COUNCIL

PAUL DOLAN*
University of Delaware

BACKGROUND

CO-OPERATION among the Fenno-Scandic countries[1] has had an enviably long history. Denmark, Sweden, Norway, Finland, and Iceland have long had affinity for one another.[2] Perhaps there is no other international region which has persevered in working out common attacks upon mutual problems as have these five small lands of the North.

Much Scandinavian co-operation has been of the informal type. In 1953, acting under statutes approved by Norway, Sweden, Denmark, and Iceland, the joint efforts of these nations were placed upon a more formal basis. In that year the Nordic Council was established.

The idea of a common council for the northern states had long been in the minds of many of the Nordic statesmen. In the early 1920's members of the Scandinavian parliaments found opportunity for exchange of information through the Northern Inter-Parliamentary Union. This organization held annual conferences. It was at the 28th session of the Northern Inter-Parliamentary Conference that a proposal was made for the creation of a permanent grouping of representatives from the several Scandinavian legislatures. The conference appointed a committee to explore the possibilities for founding a permanent northern council. In December, 1951, this committee reported favorably and suggested the basis for such a council. In the following year the Inter-Parliamentary Union submitted this report as a proposal to the legislatures of the several countries in the form of a Statute. Later that year the parliaments of Sweden, Norway, Denmark, and Iceland adopted the Statute, and the first meeting of the Nordic Council was held in Copenhagen in February, 1953. Finland, which had received an invitation to join, was prevented from doing so at that time because of pressure from Soviet Russia, which viewed the Council as a "satellite of NATO." Russia's

* The author wishes to acknowledge the kind co-operation of Dr. F. W. Wendt, secretary of the Danish delegation to the Nordic Council in furnishing information upon which part of this study is based. Also thanks is owed to the Danish and Swedish embassies in the United States for supplying data on the organization of the Council.

[1] The term "Fenno-Scandic" refers to the Scandinavian countries plus Finland. "Nordic" is a generic term including the same geographical area, i.e., the countries of Denmark, Finland, Norway, Sweden, and Iceland. "Scandinavia" properly refers to the Scandinavian peninsula and includes only Norway and Sweden. Common usage, however, brings Iceland and Denmark within the meaning. When the terms "Scandinavia" and "Nordic" are used in this paper they are meant to include all five nations. "Scandinavian" is preferred to "Fenno-Scandic."

[2] Iceland was long a colony of Denmark. In 1918 it was recognized as a sovereign state, but the two countries remained united under a common sovereign. In 1941 the Icelandic parliament, acting under a plebiscite, voted to abolish the union, and in 1944 Iceland became an independent republic.

occupation of parts of Finland served to delay Finnish acceptance of the Statute. With the withdrawal of the Russians from Porkkala, the Finnish naval base, in 1955, the Finns felt they could join the Council. Finland attended its meeting for the first time in 1956.

As stated, the Nordic Council is part of a long movement toward Scandinavian integration. As early as the fourteenth century an attempt was made to form a northern federation under a single sovereign. This arrangement is known in history as the Kalmar Union. It extended from Greenland to Finland and included present-day Denmark, Norway, Sweden, and a small section of northern Germany. The beginning of the sixteenth century saw the break-up of this unwieldy organization. Denmark, Greenland, Iceland, and Norway with the Faroe Islands continued as a single state until the grand division of the Scandinavian countries at the Congress of Vienna. At that time the odd joinder of Sweden and Norway in a personal union was decreed. It ended ingloriously in 1905. Denmark, chastised for her poor judgment in the Napoleonic struggle, found herself stripped of Norway, but she retained Greenland, Iceland, and the Faroes. Finland and Sweden, which had formed a single kingdom between 1100 and 1809, were broken apart, and the former was joined to Russia as a grand duchy under the Czar. Finland's independence came at the close of World War I.

These early attempts point up the fact that Scandinavia has long tended to be split into two large sections: one in the east, comprising Sweden and Finland; the other in the west, made up of Norway, Denmark, and the latter's insular possessions. Pressure from the surrounding countries has helped maintain this dichotomy, but the basic reason for the split is locational.

Although much of the early effort at union was toward dynastic combination, it gave opportunity for common experience in the administration of law and civil government. Similarity in religion, culture, and language aided the tendency toward integration. The middle of the nineteenth century saw the development of the "Scandinavian Movement." Partly a result of general European political ferment and largely an effect of the romantic liberalism of the first half of the last century, this development had as its goals political union on the one hand and cultural integration on the other. The influence of the academic circles in Sweden and Denmark toward the forming of a common cultural basis was widespread. The political aim of dynastic union and defensive alliance was not reached, but the interest in the development of a common literature, a common concept of law, and economic cooperation had lasting effect. Fraternal societies, professional groups, and other forms of social interplay of a nongovernmental nature appeared increasingly from 1850 onward.[3]

[3] One of the most active of these organizations has been the Norden Association, established in 1919 for the promotion of common concepts of culture among the northern peoples. See Max Geissler, "Das Beispiel des Nordischen Rats," in *Europa Brücke* (Hamburg, 1957), III, 23.

During the latter half of the past century intergovernmental effort was continued in the fields of public finance and commerce. In the 1870's a Scandinavian currency union was formed; it remained effective until the outbreak of World War I. The 1880's saw co-operation in the field of civil law. Common procedures found among Scandinavian courts today are a reflection of the common experience in the handling of legal questions. Social security legislation also has benefited from the shared experiences of the Nordic lands. Co-operation in the economic field has been aided by the establishment of joint trading organizations and common enterprise under intergovernmental sponsorship.[4]

As the result of the disastrous failure of the Scandinavian countries to make a common show of force against Hitler and of a recognized need for common understanding in the field of foreign affairs, leading statesmen in Norway, Sweden, and Denmark began thinking seriously, as World War II came to a close, of setting up a defensive alliance among their states. In 1949, the year the North Atlantic Treaty Organization was formed, Sweden proposed a Scandinavian Pact for purposes of mutual defense coupled with neutrality. Partly because of her experiences in World War II and partly because of her proximity to Russia, Sweden did not want to enter NATO. Denmark and Norway, largely because their experiences with neutrality had been so calamitous, felt they needed the greater security offered by membership in the larger western defense organization. The Swedish effort was given the *coup de grâce* by the American refusal to supply armaments to any nation not a member of NATO. Denmark and Norway joined immediately. Finland, although sharing her sister nations' fear and mistrust of Russia, was helpless. The Swedish proposal was abortive.

The general European interest in economic co-operation following the war culminated in the Organization for European Economic Co-operation in April, 1948. Sweden, Denmark, and Norway adhered to OEEC. In the establishment of the Council of Europe in 1951 all Scandinavian nations except Finland joined with the other nations in Western Europe in the grand scheme of economic integration. Yet the northern countries were quick to shun any effort made by the Council of Europe to form a political union. They made it quite clear that none of them would agree to any proposal that the Council become the *political* authority in any projected European Community.

Scandinavian co-operation has always meant the retention of sovereign power by each of the Nordic states. Although a common cultural background, an almost common language, a common religion, and the development of common legal tradition provide that homogeneity which is the hallmark of Scandinavian association, the desire to retain complete political

[4] The Scandinavian Airlines System is an instance of joint commercial effort stimulated by public support. See Gustav Petren, "Scandinavian Co-operation," reprinted from *European Yearbook* (The Hague, 1956), II, 73.

integrity runs deeply among the nations of the north. It is this strain of nationalism, this fierce demand that each nation remain *sui juris*, free from collective political control, even though that control is based upon equality of membership in a union jointly constructed, that has cut the course of Nordic history.

The refusal to effect political union was given impetus by World War II. As the storm clouds gathered in the late 1930's, the Swedes sought a type of federation which would have provided for a defensive alliance. Such an alliance system as that proposed by Sweden might have gone a long way toward preventing the Russian attack on Finland and the Nazi invasion of Denmark and Norway. The rejection of the proposal, however, showed clearly the lack of enthusiasm of the Norwegians for common political action. The practicalities of the geographical situation between Eastern and Western Scandinavia have been abetted by the strong sense of independence manifested among the several northern states.

In spite of the rejection of political union the need of the Nordic peoples to communicate socially and economically rendered the continuance of attempts at collaboration inevitable. Although to some extent the northern nations are competitive, they have tended to develop economically along somewhat different lines. Sweden has become a manufacturing and extractive nation; Denmark has revised its agriculture to become an intensive meat-producing and dairying country; Norway, a wood-products producer, has a place among the leading maritime nations, while at the same time it has kept an eye on the possibility of expanding its hydroelectric potential. Iceland tends to her fishing and the exploitation of her strategic location. Finland, while a rival of Norway in the export of wood pulp and timber, finds its economy pulled within the Russian orbit. Hence, although any program for economic co-operation has to take into account the competitive position of the countries there is sufficient diversity in their economies to suggest the possibility of economic integration.[5]

To facilitate the exchange of information and to provide a forum for debate and consultation in economic spheres was a major reason for the establishment of the Nordic Council.

Organization of the Council

The Nordic Council operates under a Statute agreed to by the member-states. For its routine management, the Council has devised Rules of Procedure. According to its Statute, the Council's membership consists of sixteen delegates from each of the parliaments of Denmark, Norway, Sweden, and Finland, and five delegates from the Icelandic parliament. In addition, each Scandinavian government may send representatives from its cabinet. The

[5] The unique position of Finland vis-à-vis the U.S.S.R., however, renders any attempt by it to join in a Scandinavian economic union extremely difficult.

number of the cabinet representatives is unrestricted, but the range has been from two (Iceland) to ten (Norway). The usual cabinet members making up the governmental delegations are: the prime minister, foreign minister, and the ministers of finance, justice, commerce, and education.

The Council chooses as its president the leader of the parliamentary delegation of the host country. Annual meetings are held in the capitals of the member states. Although rotation of the meetings among the several capitals is the rule, it is not required under the Statute.

There is no permanent secretariat for the Council. Each member-state maintains a permanent secretariat; thus there are five groups operating on a year-round basis charged with the co-ordination of the work of the Council. This arrangement might prevent co-ordination were it not for the fact that there is constant interchange among these secretariats, with the Danish secretariat acting in an informal liaison capacity. Members of the secretariats serve as staff for the Council at its plenary meetings. The secretary of the session is the secretary of the host delegation.[6]

In addition to the president there are four vice-presidents chosen at each annual session to serve until the next. One vice-president is named from each country's delegation except that of the host nation. The president and the vice-presidents comprise the presidium of the Council. No man may serve on the presidium if he is a member of his country's government. In the selection of the presidium there is a tendency to reflect the partisan representation among the delegates. Each national parliament in choosing its representatives to the Council is enjoined to give representation to the various shades of political opinion prevailing in its country. Each major national party is represented.[7]

The Statute stipulates that the Council shall meet once a year in ordinary session at a time to be fixed by it. Special meetings are compulsory upon the demand of at least two of the governments or twenty of the elected delegates. The sessions last usually ten days, part of which time is given over to meetings of the regular or special committees of the Council. Generally there is a plenary sitting for one or two days, then committee meetings for three or four days, and a final plenary sitting to receive reports from the committees and to make recommendations to the governments of the member-states. Plenary meetings are public, committee meetings are not.

[6] The secretariat of each country is responsible to that country's representative on the presidium of the Council. The secretary of the session is charged with keeping and publishing the minutes of the session. He is accountable directly to the president. The Council publishes a bimonthly parliamentary bulletin, *Nordisk Kontakt*, containing the results of the Council's deliberations and the work of the several national parliaments. The bulletin is distributed to all Scandinavian legislators. The text of the Statute of the Nordic Council has been published in the *European Yearbook* (The Hague, 1955), I, 463–65.

[7] Communists have been represented in the Nordic Council whenever they have had enough votes to send a representative from any northern parliament.

The committee system is used to assist the Council in its labors. Five regular committees have been established. They treat with (1) juridical and legislative matters; (2) economic affairs; (3) social-political proposals; and (4) travel.[8] Four members each from Norway, Sweden, Denmark, and Finland and one from Iceland serve on each committee, making a committee membership of seventeen. Members of the committees are elected by the Council, and the Rules of Procedure provide that the "widest possible representation should be ensured on each committee." This representation is both national and partisan. Parties in a country where they have not been able to win enough parliamentary seats to gain representation on that country's delegation to the Council feel they are represented by members from their party serving as representatives from another country.[9] Membership on special committees is also representative of national and party elements. Appointment of the special committees is made by the presidium. Only elected members to the Council may serve on the regular committees. Committees choose their own chairmen and vice-chairmen. Regular committees serve for terms not exceeding the opening of the next regular session of the Council. They meet during the sessions, and they may meet between sessions. Although special committees usually have the task of performing particular investigations, it is not "the Council's problem to carry out its own research. This is the task of the several governments." [10]

The bulk of the time of a session is consumed by the committees. It is in the committees that the close co-operation between the parliamentary delegates and the cabinet representatives is effected. Although cabinet representatives may not be members of the committees, they are urged to attend a committee session in which matters of interest to their respective ministries are being discussed. Elected delegates not serving on a particular committee also have the right to attend the meetings of every committee. Hence, the committee system is the linchpin connecting the parliamentary interest to the executive-administrative represented by the ministerial delegations.

In general it may be said that the committee system, as envisioned by and practiced in the Nordic Council, partakes of the nature of the Council itself, i.e., it is a means for co-operation among the member-states and for the reflection of the political movements within those states. This effort to maintain in an international organization the political balances which obtain

[8] Prior to 1956, travel and economic problems were handled by a single committee. See *New York Times*, February 14, 1953, p. 3.

[9] The party system throughout Scandinavia has a similar pattern. Liberals, Conservatives, Farmers, and Socialists enter the lists in each country. The Labor party in Norway adheres generally to the same principles as do the Social Democrats in Denmark and Sweden. See Henning K. Friis, *Scandinavia: Between East and West* (Ithaca: Cornell University Press, 1950), pp. 6–8.

[10] Frantz W. Wendt, *The Northern Council* (Folketinget, Copenhagen: Danish Group of the Nordic Council, 1956), p. 25.

within the respective countries associated in that organization is unique. Such effort is indicative of the realism behind the establishment of the Nordic Council.

Procedure

The Rules of Procedure specify that the Council may delegate to the presidium the power to fix the time for the convening of a session. Usually, the president consults with the secretariat of the country which has extended the invitation to meet in its capital city and sets the date. The expenses of a session are met by the host country.[11] The Rules further provide that the presidium shall fix the place and time for the meeting of an extraordinary session. So far, there have been no special sessions of the Council.

Intersessional conferences of ministers of the various governments have been held from time to time. The presidium also meets intersessionally to discuss plans for the conduct of the forthcoming ordinary meeting of the Council. The presidium has at times met with ministers of the several governments for the purpose of devising ways and means of implementing the recommendations of the Council.

Under the Statute the Nordic Council has as its stated purpose the affording of consultation among the parliaments of the member-states in all matters involving joint action by two or more of these countries. Article 10 specifically provides that "the Council is to discuss questions of common interest to the countries and to adopt recommendations to the governments on such questions." In deliberations which do not concern all of the member-states only those representatives "of the countries concerned may take part in the decisions of the Council."

At the first meeting of a session the agenda is approved. The agenda consists of proposals raised by a government or an elected member submitted to the secretariat at least two months before the session is held. On some items this period may be reduced to one month if the presidium so decides. Only governments and elected members may make proposals.[12] All proposals are forwarded to the governments of the member-states and to the elected delegates at least three weeks before the session begins. Governments also report to the Council respecting action taken on recommendations made by a preceding session. These reports may serve as a basis for new proposals and new recommendations. Any interest group wishing to be heard by the

[11] Provision is made under the Rules for "common expenses" to be defrayed in accordance with decision of the Council. See *Rules of Procedure for the Nordic Council* (Christiansborg, Copenhagen: Danish Secretariat of the Nordic Council [Det danske sekretariat, Nordisk Råd], 1956).

[12] The permanent Nordic interparliamentary committees formed under the old Northern Interparliamentary Union are required to make annual reports to the Council. Subjects of these reports may be incorporated in proposals, discussions, and recommendations. See Frantz W. Wendt, *The Nordic Council, Its Background, Structure, and First Session* (Folketinget, Copenhagen: Danish Group of the Nordic Council, 1954), p. 8.

Council must first gain the ear of a government or an elected member and have its plea presented under official aegis. Once proposals have been made they are turned over to one of the regular committees of the Council for investigation and discussion. The committee then makes its report to the plenary meeting for debate and possible recommendation. Proposals may be amended in committee or during debate in plenary session. Supplementary proposals also are admissable in either of these stages. Debate is conducted under the Rules, and provision is made for closure if the president proposes same or five elected members petition same. Debate is closed upon a two-thirds vote of the Council. There is no debate of a closure motion. No cabinet representative may vote on any matter before the Council, but he has the right to speak to any subject under discussion. All decisions on recommendations are taken by roll call. Members may vote "yes," "no," or "abstain." Majority vote decides. On matters not leading to a recommendation, a standing vote is sufficient unless *one* elected member demands a roll call. Quorums in both committee and plenary session consist of half of the respective membership.

Although the Council operates under formal rules, the bulk of the work is carried on with a minimum of protocol. Because of the similarity of the Nordic tongues (with the exception of Finnish and to some extent Icelandic) the discussions and debates are conducted without interpreters. The Finns and the Icelanders are sufficiently versed in Swedish or Danish that the meetings contain no language barriers. Speeches are printed in Danish, Swedish, and Norwegian and can be read by all delegates. Misunderstandings due to linguistic differences are kept at a minimum.

The Work of the Council

Although the Council is an all-Scandinavian organization, its existence does not preclude these countries from promoting greater all-European unity. Mr. Hans Hedtoft, the late prime minister of Denmark and the Council's first president, stated that "by working in close co-operation with the North we can better serve the larger unities. Indeed, we truly believe that the development of regional units like our Northern group is a *sine qua non* for reaching the goal of inter-European and international endeavours." [13]

The Scandinavians have a fervent and constant hope that a viable universal international system might be formed as the result of a standoff in the present bipolar situation in the international field. The fact that they have worked out a system of co-operation among themselves does not preclude their lending full support to the development of a truly international system, not as an international "third force," but rather as an operational entity to which both the U.S.S.R. and the United States would be attracted eventually.

[13] *Ibid.*, p. 9.

In the promotion of Scandinavian comity, the Council has been careful to limit its recommendations to only those matters where common action seems possible. Questions concerning the national defense or foreign policy of an individual state are not proper topics for decision. The fact that Scandinavia can act as a unit in certain respects does not mean that it must or can consider itself an entity in every respect.

Working within the realm of the possible, the Council early directed its attentions to areas where mutual endeavor would be most rewarding. Building upon the common experience in law, communication, social service, health, and economics, the Council has furthered co-operation in these fields. Certain legal inequalities affecting citizens of the several countries when engaged in inter-Scandinavian trade have been removed. Recommendations affecting the regulation of aviation and shipping among the northern countries have been adopted. In 1953 and 1954 the Council suggested that a single marriage and divorce law be enacted by the several Nordic parliaments and that uniform laws governing decedent's estates be passed. So far these latter aims have not been achieved.

In the field of criminal law the Council has recommended that the police of each country be permitted to examine witnesses and suspected persons in the country where these persons are found, even though the crime had been committed elsewhere. The right of a court in one country to try for offenses committed in another has been proposed in cases where the culprit is apprehended within the former. Recommendation has also been made for inter-Nordic supervision of probation.[14] So far these recommendations in the field of the criminal law have not been accepted, but they are currently under study by the several national parliaments. Such proposals reflect thinking leading to a common Northern citizenship.[15] The obstacle still in the way is the fact of national sovereignty, which is jealously guarded by each of the Scandinavian countries.

One of the proposals made at the first meeting of the Nordic Council was to abolish all travel hindrances among the member-states. This suggestion, if it had been adopted, would have wiped out all customs barriers and removed all boundary check points. Although the proposal for a single passport system among Scandinavian countries was adopted, the elimination of other obstacles to travel such as baggage checks has had to wait. Inter-Scandinavian travel has been expedited, however, by making only one official entry into the northern countries necessary for non-Scandinavians.

Increased intra-Scandinavian motor travel has given rise to the need for

[14] At an intersessional meeting of the Nordic ministers of justice held in Helsinki in October, 1956, the need for greater co-ordination in law enforcement was the main subject of discussion. "Finland in the News" (Press release by Embassy of Finland, Washington, D.C., October 16, 1956).

[15] See Wendt, *The Nordic Council, Its Background, Structure, and First Session*, p. 13.

uniform traffic laws. Some difficulty has been found resulting from the fact that Sweden, for example, still uses the left-hand drive. Also in respect to the use of roads by a driver under the influence of alcohol, Norway and Sweden are quite strict; Finland and Denmark are not. The Danish *Folketing* refused in 1955 to adopt a uniform traffic law which would have made a certain concentration of alcohol in the blood of a driver *prima facie* evidence of guilt. The Danes probably contend they have a greater capacity for alcohol than do other nationals!

To facilitate transit between Denmark and Sweden the first session of the Council proposed a study of the feasibility of a bridge or tunnel connecting Copenhagen and Malmö. This recommendation has remained in the planning stage. The cost of such an undertaking is tremendous, and the nations concerned have not come to an agreement on how it would be met.

With respect to uniform rates for postal and telephonic communication, the Council recommended that the domestic rate apply in all instances. All the states adopted this recommendation so that today the Northern countries form a postal, telephone, and telegraph union.

Scandinavian co-operation in the matter of health and sanitation has long been under way. The second session of the Nordic Council, held at Oslo in 1954, made specific recommendations concerning the preparation of joint medical statistics and the availability of pharmaceutical supplies. These recommendations have been adopted by the member-states.[16]

One of the more far-reaching achievements of the Nordic Council to date has been in the social welfare field. In 1955, the Scandinavian ministers of social welfare signed an agreement permitting the interchange of social security benefits among the citizens of all Nordic countries. Now it is possible for a Dane to have the same social welfare aid in Norway, if he happens to be there, as he would if he were a Norwegian citizen. Unemployment and accident insurance funds are now interchangeable.[17] In the matter of old age benefits, however, the applicant must have had five years' residence in a particular country before being eligible to receive funds from that country.

Although one is accustomed to think of a common labor market in connection with economic matters, the right of a person to find employment is

[16] In 1956, a proposal came before the Council for the formation of a common "labor" market in medical personnel. It was suggested that doctors, dentists, and nurses from one country would have the right to practice in another country without the necessity of further examination and licensing. This recommendation has not been accepted. See Frantz W. Wendt, *Report of the Fourth Session of the Nordic Council* (Folketinget, Copenhagen: Danish Group of the Nordic Council, 1956), p. 13.

[17] The Council has proposed to the several governments that they reorganize their institutional care for the disabled, and establish jointly-run institutions equipped to serve all Scandinavia. The smallness of the population in these countries precludes the establishment of fully modern institutional care for all types of disabled; hence, joint effort in this field would permit a higher degree of specialization and the fuller utilization of technical personnel. See *ibid.*, p. 15.

closely tied in with his general social well-being. Citizens of one country may now stay and work in another Nordic country without special permission.

In cultural affairs there has been a long history of mutual interest on the part of the northern countries. Their fairly common language, the common racial background, religion, and philosophy have made cultural integration natural and inevitable. The fact that a Dane, a Swede, a Norwegian, and an Icelander can all understand one another without great difficulty, that the transfer of ideas can be done with a minimum of effort as far as language is concerned, has been the basis upon which the extended co-operation in other fields has been as successful as it has. The word "Scandinavia" is more than a geographic term, it is the embodiment of a culture.

The Nordic Council has attempted to facilitate intellectual interchange. One of the original recommendations of the Council was to have the several governments consider the feasibility of establishing shared educational institutions.[18] The improvement of the linguistic community of the North and the extension of instruction in the Scandinavian languages have been high on the list of suggestions made by the Council. At its second meeting the Council recommended the creation of a Scandinavian Cultural Commission with the duty of advising the several governments in cultural matters. In 1954, the five Nordic ministers of education implemented the work of the Commission by agreeing to collaborate in its programs. In 1955, the Commission worked out a plan of co-operation with the Norden Association whereby students and teachers were exchanged between designated towns in the several member-states. The Council took under advisement a Swedish suggestion for the establishment of a joint fund by the several parliaments for the support of cultural matters not already being adequately supported by the individual national governments. One such project was the translating of representative Nordic dramatic works into major languages such as English and German. The Council's further recommendation calling for the erection of a Nordic Academy to serve as a common meeting place where teachers, youth leaders, journalists, and publicists could gather and discuss mutual problems was received enthusiastically. Plans are now under way for the establishment of such an institution.

In line with the exchange of ideas in art and literature, the Council has furthered co-operation in the scientific field. In 1956, acting under a Swedish proposal, the Council called upon the other governments to join in the establishment of a Scandinavian Institute of Theoretical Physics. As a result of recommendation made by the intersessional meeting of the governmental representatives and the presidium at Fredensborg in 1955, the Economic Committee of the Council has called for increased co-operation among the

[18] Common university examinations throughout Scandinavia have been proposed, but so far without success. *New York Times*, February 22, 1953, p. 22.

Scandinavian scientific institutions engaged in the field of atomic energy. At the 1957 meeting in Helsinki, several recommendations were advanced for the co-ordination of the work being done in nuclear physics in Norway, Sweden, and Denmark. It was suggested that these efforts be centered in the Institute for Theoretical Physics under the leadership of Niels Bohr in Copenhagen. Before these recommendations can become effective, a greater co-ordination of higher educational institutions will have to be developed.

While studies have been made in social and cultural areas, the most absorbing problem is found in the area of economics. Viewed collectively, the industrial position of Scandinavia is that of a small state compared to the operations of either Germany, France, or England. This fact renders the economic problem facing the Nordic nations acute. In many respects these lands are competitive, yet if they permit themselves the full force of competition, economic defeat is threatened for all of them. This fact is clearly recognized by the statesmen in all the parties in each nation. The road to economic co-operation, however, is full of difficulty.

The history of Scandinavia is replete with bilateral and multilateral arrangements for easing the pressure of competitive economies. Reciprocal trade treaties and agreements have been entered into. Inter-Nordic co-operative trading enterprises operating under the blessing of the respective governments have alleviated somewhat the costs of inter-Scandinavian trade and also have given the advantage to these states when trading abroad. Mention has already been made of the Scandinavian Currency Union. In the 1880's an agreement was reached among the several states respecting the handling of bank drafts. The effort to facilitate inter-Nordic travel and communication has been noted. Under the recommendation of the Council, uniform patent laws are being enacted.

The Council early came to grips with the question of economic integration. It was recognized immediately that any recommendation in this area could only take place after a full and serious inquiry into the complicated details of the economies of the several nations. Nothing would be accomplished if recommendations appeared harmful to any member-state.

Prior to the formation of the Council, the already existing Scandinavian Economic Co-operation Commission, formed originally under the aegis of the Northern Inter-Parliamentary Union, had investigated the feasibility of economic integration. The Council in its first session called upon this commission to publish its report and have it serve as the basis for discussion at the next plenary session to be held in Oslo in 1954. This was done. After full debate on the Commission's report, the Danish and Swedish delegations proposed immediate steps be taken for the establishment of a common market for all Scandinavia.[19]

[19] Finland was not then a member of the Council, but it was thought that when she did enter, the recommendation would apply also to her.

With forty-three votes in favor and none against (the Norwegian opposition and two members from Iceland abstaining) the motion to recommend a market was adopted. Instead of sending the recommendation directly to the member-governments, however, it was agreed to have the heads of the several governments, together with their economic ministers, meet at the Swedish premier's residence in Harpsund before the next plenary session to iron out the details involved in establishing a common market. The ministers were enjoined to work out a common market "to the extent and at that rate most consistent with the existing [economic] conditions in each of the countries." [20]

The Harpsund Conference, working through a special ministerial committee, considered various objections to the common market plan. It prepared a survey of intra-Scandinavian trade and drew up a list of economic sectors in which the establishment of a common market would be relatively simple, and those where difficulty would be encountered. The conference was influenced to a considerable extent by the general suggestions respecting tariff reduction and the general lifting of trade barriers developed under OEEC and GATT.

The extended work of the ministerial committee prevented a report from being made to the third session of the Council in 1955. Hence, the discussion of the proposals and debate on the general recommendations were carried over to the fourth session, meeting in Copenhagen in 1956. In the intersessional meeting held at Fredensborg in October, 1955, the ministerial group was asked to make ready a final report for the fourth session. This report became the basis for discussion at the Copenhagen meeting. The general suggestions were: (1) to reduce tariff barriers wherever practicable throughout the Nordic countries; (2) to establish a customs union vis-à-vis the rest of the world; and (3) to work closely with other European organizations having as their aim the general reduction of tariff barriers throughout Europe.[21]

Although there appeared to be general agreement among the delegates at the Copenhagen meeting that the work toward a common market should go forward, representatives from Norway, Iceland, and Finland showed a lukewarm attitude toward the project. Iceland clearly was not ready to join a common market. The delegates from Norway were not at all convinced that their country would benefit, and they became sharply critical of the entire plan. Finland stated it would have to "rely on her own examinations" as to the feasibility of her joining an economic Nordic union, but the Finnish dele-

[20] See Frantz W. Wendt, *Report of the Second Session of the Nordic Council* (Folketinget, Copenhagen: Danish Group of the Nordic Council, 1954), p. 12.

[21] One of the chief problems facing the committee and the Council itself was how to make a recommendation which would satisfy each of the member-states and at the same time fulfill the requirement for coverage of 70 per cent of total production under a tariff reduction program as demanded by OEEC and GATT.

gates thought the negotiations should continue. Evidently, the great enthusiasm present at the second session of the Council had waned considerably. The reasons for this are not difficult to discover. First, there was the fear that a common market would lead eventually to a political union and that it in turn would mean the loss of sovereignty among the member-states. Apparently this attitude was much more widespread than at first thought. Several members stated that a customs union without further economic integration alone would not be of much avail and would have to be implemented by political integration. For a common market to be successful it must of necessity extend over a wide front, and this it was contended would entail the establishment of an economic parliament using sanctions to enforce its decrees. Hence, political control would move from the several nations to a supranational body.

Second, there was the expressed concern on the part of the members from the poorer states, namely, Norway, Iceland, and Finland, that the economic benefits from such a union would be illusory. For example, Norwegian products to the extent of 80 per cent already entered Denmark and Sweden free of import duty, whereas only half the goods coming from these countries entered Norway without impost. Unemployment would likely be the result in Norway if all intra-Scandinavian tariffs were abolished. Norway feared British retaliation if it was forced under a common market to raise its tariffs against that country. The recognized inequality in the underlying economic conditions in the Nordic states caused several delegates to look dubiously upon the establishment of a common market. Liberal and Conservative members from Norway, particularly, viewed the common market as reducing their country to a state of economic vassalage.

Economic integration to be generally acceptable had to guarantee a "clear surplus of advantages" to each country and a "reasonable degree of equality in relative terms of competition." Yet most of the delegates appeared in favor of the plan, at least in principle. There were, of course, varying shades of support, but in the main the bulk of the discussion showed recognition of a need for some kind of common market. It was felt that such a plan would give Scandinavia an advantage in adjusting to any dislocation in the general European or world economy. It was further contended that if the 17,000,000 inhabitants of the Nordic lands could present a common front vis-à-vis outside sellers, they could drive a better bargain than if they were to deal as individual customers. Scandinavian trade, however, would have to be based on a low tariff system rather than on free trade. Several delegates held that rationalization of intra-Scandinavian trade would release funds for the improvement of productive enterprises in all the northern countries. Hence, Norway would have more capital for the exploitation of its hydroelectric potential as a result of the savings effected in the freer trade between herself

and her neighbors. It was generally agreed, however, that Danish farm products should be kept out of the common market except where it was shown that Swedish and Norwegian farmers could not supply items in their own countries.

Several members of the Swedish delegation believed that the expansion of industry throughout Scandinavia was dependent upon the more effective use of natural resources within the Nordic countries so that the total export trade of these nations could be increased and thus would relieve some of the pressure against their foreign exchange. The use of new forms of energy and the extended employment of automation would make it necessary for a nation with limited capital to co-ordinate its economy with the economies of other countries in a similar situation so that collectively they could all benefit from these more advanced methods of production. The common market would serve as a pump to get the well of the Nordic industrial potential flowing.

Appraisal

Evaluation of the work of the Council to date brings forward the question as to its future role in Scandinavian affairs. So far the Council seems to have acquitted itself well in those areas of decision in which political assumptions are not basic. In travel, social welfare, and culture there has been steady progress toward interchange and co-operation. Strides had of course been made in some of these fields by informal joint effort before the Council had been created. The formalization of the means of exchanging ideas has furthered the spirit and fact of co-operation in these areas.

In matters in which the question of national political independence is involved, however, the Council has not succeeded in furthering co-operation to any marked degree. Common Scandinavian citizenship has not and probably cannot be accomplished; one wonders at the time spent in discussion of this idea. The introduction of common police procedures, the adoption of interchangeable trial jurisdiction, and the employment of common remedial and punitive measures respecting crime have been held in abeyance, although the Council through its session debates and committee hearings has tried to promote such plans. Here the bogey of sovereignty looms large and affects the rational consideration of these plausible proposals. The rock of national pride still stands as a challenge to any attempt at merging the authority of the several states over their internal police into a federal pattern. No effort has been made toward the establishing of a viable federalism among the Scandinavian countries. This fact alone indicates the limits to the operation of the Council or to any plan of Scandinavian co-operation in the political area.

It may well be that the creation of the Council has precluded the possibility of a federal state arising among the northern lands. The Council has appeared to reconcile the rational drive toward some form of union with the

emotional pull toward the maintenance of national independence. Hence, it may be that the Council tends to serve as a *tertium quid*, incapable of being classified as a symbol of federal union and yet avoiding the role of being nothing more than a debating society for protagonists of national points of view. The Council arose from the recognition of the infeasibility of federation and of the need to have some kind of formal machinery for the discussion of and planning for the solution of common problems.

The full-dress debate on the common market pointed up the real contribution which the Council is making to the promotion of understanding among the Nordic nations. Arguments pro and contra were advanced dispassionately with a minimum of bitterness and recrimination in an atmosphere of general reasonableness. The fact that the Council is only advisory and recommendatory permits debate on controversial subjects to be carried on without the play of parliamentary maneuver and political jockeying which usually mark procedure in national and international assemblies. The wide range of partisan opinion represented tends to prevent a single party from having control over the floor and time of the Council's sessions.

Fashioned to some extent upon the pattern set by the Council of Europe in having the very persons charged with the formulation of policy in their respective countries sitting in common discussion with their opposite numbers from other nations, the Nordic Council has had the added advantage of being composed of statesmen long accustomed to each other's political habits and ways of thought. Perhaps in no other region of the world could such an organization exist and do the work it does.

Yet in spite of the strides it has made in facilitating inter-Scandinavian co-operation, the Council is presently being faced with a real challenge testing its ability to bring forward an acceptable plan for combining the economic resources and industrial capacity of the northern peoples into a bulwark of strength that will protect them severally and collectively against those forces which seem bent on the political and economic subjugation of the weaker nations of the earth. The way in which this challenge is met will determine whether the Council can fulfill the role entrusted to it and thus justify the great expenditure of time and energy made by those Scandinavian statesmen who have believed so wholeheartedly in the rational approach to the solution of international problems.

CATHOLICS AND POLITICS IN AUSTRALIA

TOM TRUMAN
University of Queensland

THE AUSTRALIAN federal elections took place on November 22, 1958. They resulted in the return of the Liberal party–Country party conservative coalition government led by Robert G. Menzies with an increase of two seats in the House of Representatives and two seats in the Senate.[1] Numbers in the new Parliament compared with the old are shown in Table I. The percentages of popular votes cast for each party are shown in Table II.

TABLE I

MEMBERSHIP IN THE AUSTRALIAN PARLIAMENT

	HOUSE OF REPRESENTATIVES			
	Liberal Party	*Country Party*	*Australian Labor Party*	*Democratic Labor Party*
New Parliament*	58	19	45	----
Old Parliament†	57	18	47	----
	SENATE			
	Government Coalition		*Australian Labor Party*	*Democratic Labor Party*
New Parliament*	32		26	2
Old Parliament†	30		27	3

* Elected November, 1958.
† Elected December, 1955.

TABLE II

PERCENTAGE OF POPULAR VOTES CAST IN ELECTION OF NOVEMBER 22, 1958

	Liberal and Country Party	*Australian Labor Party*	*Democratic Labor Party*	*Communist*	*Others*
House of Representatives	46.7	42.7	9.4	0.5	0.7
Senate	45.2	42.8	8.4	2.9	0.7

The two Labor parties together clearly had a majority of votes and, as in 1955, it was the effect of the Labor party split which kept Labor out of office and put the Liberal–Country party team back into power.

The split in the Labor party has revealed some interesting facts about Catholic political organizations and their relation to the Church. As there is good reason to believe similar movements exist in the United States and

[1] Australia's constitution is a blend of the American and British constitutions. Australia borrowed American federalism but kept the British cabinet system. The House of Representatives in which the prime minister and most of the other ministers sit is therefore by far the dominant house. The Senate nominally represents the states, but party is so strong that its members caucus with their colleagues of the same party in the other house and follow common strategy and tactics under strict discipline.

other countries though not in such a well-developed form, the story of the breaking apart of the Australian Labor party may be of more than local interest.

On October 6, 1954, Dr. Herbert V. Evatt, the leader of the Australian Labor party in the Federal Parliament, made sensational charges that a secret movement under outside control was attempting to take over the Labor party by methods similar to Communist infiltration and subversion. Evatt didn't say so, but newspaper commentators declared that he meant a Catholic Action organization, known simply as "The Movement," since identified as the Catholic Social Movement. These charges were examined by the Federal Executive of the Labor party which pronounced them to be true. It caused the replacement of the executive committee members of the Labor party in the state of Victoria and withdrew its support from the anticommunist organization in the trade-unions. This body, with branches in the unions under Communist leadership called the A.L.P. Industrial Groups, was alleged to be controlled by the Catholic Social Movement.

As a result of these actions there arose a bitter controversy between the leaders of the Labor party and a number of bishops and leading laymen of the Catholic Church. Protestant ministers, alarmed by what they called the "ecclesiastical imperialism" of the Roman Catholic Church, entered the fray and the political quarrel tended to become a furious religious fight.

The supporters of the Industrial Groups and the old Executive of the Victorian Labor party formed the Anti-Communist Labor party and contested the federal elections in 1955, mainly in the state of Victoria. There they polled 15.16 per cent of the total popular vote, about one-third of the Labor vote, and more than half the Catholic vote.

Since then the split has spread to every state in the Commonwealth and on November 22, 1958, the break-away Labor party, now called the Democratic Labor party, contested the federal elections in five of the six states, and in Queensland, a similar party called, for local reasons, the Queensland Labor party, bid for the voters' support.

The D.L.P. did not win a single seat in the House of Representatives and lost one of its three seats in the Senate. (Senate elections give minority parties a better chance because the proportional representation system is used with a whole state as the electorate.)

However, winning seats is not the primary aim of the D.L.P. Its real purpose is to prevent the Australian Labor party from taking office. The *News Weekly*, organ of the Catholic Social Movement, said of the D.L.P. after the 1955 elections: "It prevented the national disaster of an Evatt Government. The Communist Party will never rule this nation by remote control, pulling the strings of a puppet Labor Government." (The defection of Labor's right wing automatically increased the strength of the left wing in which Com-

munists undoubtedly have some influence, but how much it is difficult to judge.)

The D.L.P. is a sort of Catholic "united front" party. It has a few Protestant candidates prominently displayed but it is predominantly Catholic in membership; it gets nearly all its votes from Catholics, though half of their co-religionists still vote for the A.L.P. which normally receives three-quarters of the Catholic vote; and its policies are based on Catholic social theory, with great emphasis on "working proprietorship," "decentralisation," "rural life," "family farms," "state aid to denominational schools," and the like.

The decision to form the D.L.P. and the planning of its strategy are the work of the members and supporters of the Catholic Social Movement and its brilliant leader, the aptly named Mr. Santamaria. The Catholic Social Movement, now called the National Civic Council, was in an important sense the chief cause of the split in the Labor party.

Readers will naturally wonder how this Catholic organization came to play such an important role in the Labor party's affairs. It is necessary to know that Catholics, mostly of Irish descent, make up 23 per cent of Australia's population. Three-quarters of them are Labor voters. Catholics make up about half the members of the Labor party and have, on the whole, figured more prominently in the leading positions than non-Catholics. In the trade-unions whose officials dominate the Labor party through its organization and finance, about half the membership is Catholic. For these reasons the Church has always had considerable influence with the Labor politicians but never so much as in the years 1950 to 1954 when "The Movement," as the Catholic Social Movement was then known, was at the zenith of its power.

During the war years the Communists gained control of most of the important industrial unions in Australia and consequently became a force inside the Labor party itself, despite rules refusing membership to Communists. In Victoria they were very close to controlling the Labor party in 1942 and 1943. This position naturally alarmed the party officials and they asked the help of the Catholic Church in energizing their members to help defeat the Communists. But even more afraid of the Communists and determined to act against them were the Catholic hierarchy and the leaders of Catholic Action. They already had a movement of Catholic Action, the League of St. Joseph the Worker, doing apostolic work in the unions, but it was decided to put the Director of the National Secretariat of Catholic Action, Mr. Santamaria himself, in charge and concentrate their efforts on defeating the Communists. Under Mr. Santamaria's capable leadership "The Movement," i.e., The Workers' Movement of Catholic Action, mobilized Catholics and began to gain ground. It was always a secret organization and the secrecy served several purposes — to minimize "sectarianism," i.e., opposition on religious

grounds from Protestants; to prevent the Communists from knowing the plans being laid to defeat them; but chiefly, to hide from everyone outside "The Movement" its apostolic work. Then the leaders of "The Movement" developed a skillful tactic, perhaps borrowed from the Communists, and persuaded the Labor party officials to adopt it. It was the formation of a "united front" organization under the banner of the Labor party. They called it the A.L.P. Industrial Groups. The effectiveness of this idea in fighting the Communists lay in the label of the Labor party. Unionists could always be relied on to vote "Labor" rather than Communist in union ballots. Its usefulness as a vehicle of Catholic social policy lay in the cover it gave the secret Catholic Social Movement, and all the more successfully because "The Movement" had had little opportunity to put forward positive Catholic proposals in the first few years when throwing back the Communist offensive consumed everyone's time and energy. "The Lay Apostolate like every other apostolate has two tasks," said Pope Pius XII, "to preserve and conquer." Preserving was difficult enough, but the alliance forged in the face of the enemy and the confidence it engendered prepared the way for an effective apostolate of institutions later.

To the great credit of the Catholic Social Movement, acting through the A.L.P. Industrial Groups, must go the saving of the Labor Movement from Communist domination. It was the zeal of these groups that matched and beat Communist zeal. The consequence and reward of their victory was, of course, power in the Labor party. The machine of "the Groupers," as they were called, controlled the Victorian and New South Wales branches of the Labor party and had great influence in Queensland. At the 1953 Federal Conference of the A.L.P. they nearly gained complete control of the party throughout the Commonwealth. They would have done this if they had put their motion for making the Industrial Group organization national in scope and imposing it on all states. Fearing that they could not quite muster a majority of delegates, they deferred the key motion to the 1955 Conference. But in the meantime Dr. Evatt, the Federal Parliamentary Leader, delivered his famous public attack on them on October 6, 1954, and precipitated the split.

"Precipitated" is the right word. The revolt against the Groupers had been brewing for some time amongst trade-union officials and old-time machine politicians who either feared for their power, influence, and jobs, or resented attempts of "The Movement" to change the platform from its traditional socialist bias to one intended to create an environment favorable to Catholic dominance. But the revolt could not have succeeded without Dr. Evatt's help. As Leader he was not only able to rally all the discontented and rebellious union leaders and politicians, but his prestige brought over the majority of the rank and file in the Labor Movement.

Why did Evatt attack the Groupers? He did so because they attacked him and were determined to displace him as Leader. As they were the strongest faction in the party Evatt had at first favored the Groupers, especially as their right-wing policies seemed much more likely to win favor with the voters after the disastrous defeat on the nationalization of the banks issue in 1949. But the obsession that made him see the Royal Commission on Communist espionage as a conspiracy by the Prime Minister to ruin his political career caused him to use his considerable talents to wreck the Commission and, in so doing, though not intentionally, to rescue the Communist party from a dangerous predicament. The Groupers demanded his head; so, in order to retain his leadership, Evatt became the champion of the Anti-Groupers. That secrecy with which "The Movement" had sought to hide its Catholic character and objectives now proved its undoing. Evatt's revelations came as a shock to the public (and as such, a useful diversion from the bad impression his help to the Communists had created), and though he sought to distinguish between "The Movement" and Catholic Action, Protestants were very resentful of what they considered to be the duplicity of the Catholic Church.

The Catholic clergy, like the laity, are about evenly divided on supporting the D.L.P. Half seem to follow the venerable Archbishop of Melbourne, Dr. Mannix, who is an outspoken champion of the D.L.P. The other half follow Cardinal Gilroy, the Archbishop of Sydney, who sticks to the traditional position of the Church that a Catholic may support any political party except the Communist party. The Cardinal agrees with his friend Mr. Cahill, the Labor Premier of New South Wales, that it is a mistake for Catholics to leave the Labor party to the Socialists and leftists. He thinks it important not to destroy the N.S.W. Labor Government and believes that Catholics will be more effective if they stay in the Labor party and fight back. According to this view, in the D.L.P. the Catholic vote is isolated and ineffective, and Catholic pressure groups are unable to exert influence. The Mannix followers insist that their tactics are more likely to gain the Church's objectives. Their plan is simply to keep the A.L.P. out of power. In the words of one of them: "Cheated of office the politicians would be like starved animals in a cage and begin to rend and eat one another." Finally it is thought they would get rid of those who stand in the way of accepting the D.L.P.'s terms — and the Church's influence would be greater than it was before the split began.

There is great bitterness between the two sections of the Church. Just recently a leading layman on the D.L.P. side has compared the followers of Cardinal Gilroy to "the regime Catholics" of the Iron Curtain countries. Another has suggested that these clerics are on the slippery path taken by "the patriotic priests" of China.

During the election campaign the A.L.P. issued propaganda pointing out to Catholics that Cardinal Gilroy had said that they could vote for the A.L.P.

if they wanted to do so. Archbishop Mannix replied by sending a statement to newspapers in all states a day before the election took place saying that to vote for the A.L.P. was to do just what the Communists wanted and to vote D.L.P. was the best course for Catholic voters. He implied that Cardinal Gilroy had weakened and retreated from the strong support he and all the bishops had given to Mr. Santamaria and the Catholic Social Movement in their Joint Pastoral of April, 1955. The Cardinal's reply came through a spokesman. He said that the authority of Archbishop Mannix was confined to Melbourne and he repeated that Catholics were free to vote for any political party other than the Communist party.

Spokesmen for the Church and "The Movement" have claimed that the Catholic Social Movement, and even more, the Democratic Labor party, "do not involve the responsibility of the Hierarchy." They are "action of Catholics" they say, not "Catholic Action." The distinction, they assert, is that Catholic Action is the official lay apostolate of the Church, mandated by the bishops and acting under their guidance as "the prolongation of their arm" and "their instrument." The "action of Catholics" on the other hand, consists of Catholics, whether organized or not, acting on Catholic principles, on which they receive guidance from the bishops, but applying these principles according to their own judgment to particular cases in practical political policies. For these the bishops are not responsible. The Catholic Social Movement or League of St. Joseph or the Workers' Movement, was, like the National Catholic Rural Movement, a regular movement of Catholic Action until 1955 — or late 1954. Both were engaged in the apostolate of institutions, i.e., acting as organized groups under central direction within political, civic, and other public organizations; the one in the city, the other in the country.[2] Then the Catholic Social Movement, some time after Dr. Evatt's attack, became "action of Catholics." The National Catholic Rural Movement is still carrying on its apostolate of institutions.

As Monsignor Pavan, the Pope's special representative at the first Asian meeting of the Lay Apostolate in December, 1955, said of such Catholic organizations, the Church "requires them to proceed on their own initiative and responsibility in their apostolic action of 'animation'; so that in their successes the whole Church triumphs; whereas for their failures they alone must render account." [3]

To understand the full implications of what is happening in Australia it is necessary to know something of the great world-wide movement called Catholic Action and its objectives.

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[2] See *Catholic Action in Australia. Official Statement of the Archbishops and Bishops of Australia Associated in the National Organisation of Catholic Action* (Melbourne: Renown Press, circa 1947 [pamphlet]).

[3] *Catholic Documentation* (quarterly, Catholic Press Newspaper Co. Ltd., Sidney, Australia), March, 1956, p. 121.

Pope Pius XII, building on the work of his illustrious predecessor Pius XI, intensified the efforts of the Church to conquer the pagan world for Christ. To bring this about, Pius XI and Catholic thinkers who assisted him developed two brilliant ideas. The first was the concept of the corporative state or organic society — a polity built on vocational organizations in which the Catholic Church, as the divinely instituted authority to guide men to eternal bliss with God, is superior to the state and lays down the principles of political and social life — a sort of modern and improved version of medieval Christendom.

The second idea was even more brilliant. It was the decision to use the Catholic laity to transform secular society into the organic society. The laity have their own apostolate. The most important part of it is called Catholic Action. Catholic Action's work is not to convert the individual but to change the secular and pagan environment into a Christian one by acting as a Christian leavening. Workers serve as apostles among the workers, farmers among farmers, students among students, etc., to influence them and to get them to accept Catholic policies and Catholic solutions to the problems of their class and their country. The chief means to be employed to implement Catholic policies is politics. Catholic Action does not itself enter the field of party politics but its members penetrate every political party, pressure group, and organ of government. They prefer, if possible, to get non-Catholics to push Catholic policies. This is called co-operation on "a natural law basis." Co-operation on "a human basis" wherein Catholics accept non-Catholic objectives was forbidden by Pope Pius XII as it is "an invitation to surrender." These Catholic policies, like "working proprietorship," "the family wage," "the family farm," "co-operative credit institutions," "state aid to denominational schools," the encouragement of large families, and so on, are all steps towards the attainment of the true Christian order, the Catholic corporative state.

The key document to the understanding of the Church's aims and methods in Australia is the publication entitled *Catholic Action in Australia: Official Statement of the Archbishops and Bishops of Australia, Associated in the National Organisation of Catholic Action.* The bishops point out that the early Church, faced with the menace of the barbarian invasion, went out and civilized them,

> giving them new laws, new customs, new forms of temporal life, a new agriculture, new cities, new learning. . . . Civilised, the erstwhile barbarian was conditioned to receive the Christian message. . . . Just as the Church of the early centuries was confronted by a pagan barbarism and was to convert it by first creating its temporal institutions to a Christian pattern, so the Church of the twentieth century, facing the same challenge, can only convert the masses by first giving a Christian substance to the social institutions which are the framework of their daily lives.[4]

[4] *Catholic Action in Australia, op. cit.*, p. 10.

The leaders of the Catholic Church see in Australia's great postwar immigration program one means of achieving their ends. The *Handbook of the National Catholic Rural Movement* says "this movement towards migration, if the migrants were properly integrated into the Australian community could give Catholicism the numbers which at present it lacked and make Australia into a great Christian bulwark in the south-west Pacific." [5] But they look beyond the conquest of Australia. "A Christian nation located so close to Asia as is Australia could be a major force in the conversion of Asia to Christianity," said the Australian bishops in their statement of 1951, *The Future of Australia.*[6] The N.C.R.M. handbook adds: "The diminished opportunities of European missionaries in these areas and the suspicion of the United States, sedulously fostered by Communist propaganda, would be likely to leave a Christian vacuum in Asia, unless Australian Catholicism recognised its historic responsibilities and moved to stop the gap." [7]

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[5] *Handbook of the National Catholic Rural Movement* (Melbourne: Australian Catholic Publications, 1958), p. 10.

[6] Quoted in *Social Survey* (monthly, Institute of Social Order, Kew, Victoria), January, 1955, p. 4.

[7] *Handbook . . . , op. cit.*

SUMMARY OF THE PROCEEDINGS OF THE WESTERN POLITICAL SCIENCE ASSOCIATION AND THE PACIFIC NORTHWEST POLITICAL SCIENCE ASSOCIATION

THE POLICY PROCESS: AN EMERGING PERSPECTIVE*

GEORGE A. SHIPMAN†

I

During the last generation, significant changes have occurred in political science. A transition, for the most part gradual and subtle, has shifted orientation toward a growing rigor in theory construction and systematic analysis. This observation scarcely needs annotation. A bit of reflection recalls the questions that, a generation ago, commanded professional attention, both in teaching and in research. Recollection is confirmed, if need be, in material published in the professional journals of that day, and topics discussed at professional meetings. The comparison with today's primary concerns is an enlightening one. In his presidential address to the American Political Science Association last September, Professor V. O. Key called attention to these evidences of healthy growth in the field.[1]

But it is easier to recognize this growth and development than to characterize it. The attempt at characterization is likely, in all good faith, to fall into the kind of oversimplification that distorts as much as it interprets. Several descriptive expressions come to mind: the "politicization" of the discipline; "political behavior in the widest sense of the term"; "behavioral," now a recognized term for a set of theoretical approaches and research techniques.[2] These expressions, and several others as well, obviously have their uses, and they are not cited here for the purpose of criticizing them. The point is rather that any one of them needs considerable elaboration, and some qualification, to express the interpretation it is intended to convey.

It seems reasonably clear, however, that what is happening in political science is at once an indigenous movement, and a response to developments

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* Presidential address at the thirteenth annual meeting of the Western Political Science Association at the University of Washington, Seattle, March 27, 1959.

† University of Washington.

[1] "The State of the Discipline," *American Political Science Review*, LII (December 1958), 961.

[2] "Politicization" is the term used by Dwight Waldo in his *Political Science in the United States of America* (Paris: UNESCO, 1956); "Political behavior in the widest sense of the term" comes from Peter Odegard's "A New Look at Leviathan" in Lynn White, Jr. (ed.), *Frontiers of Knowledge in the Study of Man* (New York: Harper, 1956). Both are referred to by Key, *op. cit.*, p. 964. In this connection David Easton's "Traditional and Behavioral Research in American Political Science," *Administrative Science Quarterly*, II (June, 1957), 110, is apropos.

in the related social sciences. Recent efforts in political science are toward more systematic, more objective understandings of causal relationships in political phenomena. Central questions are: Why have apparently observed consequences come about? What influences have been determining? How can pertinent data be reduced to precise, fully accurate statement and recording? What working theories can be employed to explore and interpret the meaning of observation? The related social sciences, meanwhile, particularly sociology, anthropology, and social psychology, have been pushing their explorations into areas of interpersonal, group, and social behavior. They reach into the physical and psychic needs of the individual, and into the characteristics of cultures, social systems, communities, and organized groups. Insights and interpretations are emerging in increasing volume from these efforts. The product reinforces political scientists in their search for understanding of causal relationships, and broadens their horizon of theoretical speculation as well. At the same time, it cautions against the overgeneralizations that can be refuted by empirical studies.

Whatever their sources, the factors of change show varied effects in political science. The evidence is unmistakable that new impetus and new emphasis are being given to studies of voting behavior, community structures, and decision-making. At the same time, the behavioral approaches to the discipline are in debate. Their acceptance is regarded as near-heresy by some members of the profession. To others, they render obsolete certain of the traditional approaches, such as studies of institutions and the analysis of political ideas. Is there, perhaps, a disproportionate tendency to see the behavioral way of thinking as constraining affiliation, either with it or against it? Such a tendency may be overlooking the challenge to a fresh synthesis, the possibility of drawing essences of many viewpoints to a meaningful and workable relationship.

The need for a fresh and fertile synthesis of ideas is the subject of these comments. The familiar, even commonplace, area of public administration is the center of immediate concern. This is partially because public administration has certain distinctive requirements, and partially because the results of its speculation and research are presumed to have a measure of utility in the world of action. At the same time, there is ample reason to conclude that the needs of public administration are not materially different from those of other areas of political science. The comments of David Easton upon the relationships of traditionalism and behaviorism in political science apply, so it would seem, to the social sciences generally.[3] The volume *The Policy Sciences*, edited by Harold Laswell and Daniel Lerner, can be regarded as a seedbed of ideas that spread widely across the range of intellectual disciplines.[4] The stimulating collection *Approaches to the Study of Politics* is

[3] Easton, *op. cit.*
[4] Stanford: Stanford University Press, 1951.

further evidence of the sensitivity of political science to movements in the main stream of thinking about the human personality, the social system, and the culture.[5]

But for the moment attention is centered upon administration. To place present needs in perspective, a brief overview of the development of the field may be helpful.

II

Public administration is far from mature as an intellectual discipline. There are, however, signs of fresh vigor in the field, a creative force that has not yet fully disclosed its direction, or the distance to which its drive may reach. What are the origins of this trend? Any attempt at summary must begin with acknowledgment to Dwight Waldo and Wallace Sayre, who have lately recounted, with high competence and discernment, the development of thinking about public administration.[6] While their perspectives are not identical, together they contribute a healthy and urgently needed interpretation of the way perception of the administrative process has evolved.

For present purposes, retrospection can start with the middle 1930's. Public administration in that period was typified by a set of convictions, as were several other areas of the social sciences. In these fields of thought and, to an extent, of action, the certainty was that reason and rationality could resolve all public problems. By the late thirties, what Sayre terms "a high noon of orthodoxy" had been reached. This orthodoxy encompassed a number of well-established canons of belief. The presumption was that desired rationality in conduct of governmental affairs followed upon adherence to these canons. Inadequacies, observed or assumed, were attributed to failure to live by the canons. To be sure, this orthodoxy had its critics.[7] But the voices of skepticism, the protests that the so-called established principles were no more than dogmatic assumptions, wholly untested by empirical research, fell for the most part upon deaf ears. The principles were supported by an impressive and eloquent body of literature. To question them was to question rationality itself.

The intellectual sources of this orthodoxy are an interesting mixture. Some theoretical assumptions were involved. A prominent one was Woodrow Wilson's inference, drawn from his observation of the federal government of the 1880's, that politics and administration were separate worlds,

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[5] Roland Young (ed.), *Approaches to the Study of Politics* (Evanston: Northwestern University Press, 1951).

[6] See Dwight Waldo, *The Study of Public Administration* (Garden City: Doubleday, 1955), particularly chapter 2; Wallace Sayre, "Trends in the Study and Teaching of Public Administration," in Stephen B. Sweeney (ed.), *Education for Administrative Careers in Government Service* (Philadelphia: University of Pennsylvania Press, 1958), pp. 37–43.

[7] Charles S. Hyneman, "Administrative Reorganization: An Adventure into Science and Theology," *Journal of Politics*, I (1939), 62.

and should remain so.[8] From this inference, an understandable next step was to identify policy formation with politics, and thereby to eliminate it as a proper element of administration. Reasoning derived from the doctrine of the separation of powers reinforced this view. Further reinforcement was implied by such legal doctrines as the non-delegability of so-called legislative power, the avoidance of "prudential" or "free" administrative discretion, and the judicial reviewability of administrative action. In the contemporary view, these grew beyond the proportions of legal formulas, and acquired the status of sound theory and "right reason."

Another stream of congenial influences flowed from the reform movement. The orthodoxy both contributed to, and was bolstered by, the elements of this drive to uproot governmental evils. Civil service reform, with its components of competitive recruitment and employment tenure based upon a merit system, was counted upon to defend the public service against exploiters. Waste of any kind was regarded as a form of civic sin, and various guards against it were urged. Neatness and order in operations, for example, and Spartan simplicity in formal organizational structures, were assurances that the assumed wastefulness of "duplication and overlapping" would not occur. The budget was an instrument of fiscal rationality, and protected the taxpayer against official irresponsibility. To be sure, these ideas had definite and important utility. By their nature, they gained the sanction of civic morality, and a significant amount of constructive civic action was mobilized around them. They became causes to promote and high principles to defend. By no means were they wholly unsound or invalid, as subsequent refinements have rather conclusively indicated. The point here is that they were used uncritically, and with fervent conviction.

The "scientific management" movement also had an impact. It produced the assumption that there was invariably a one best way to perform work. The further assumption that private enterprise had discovered how to identify this best method, and was dedicated to its use, readily followed. Technological changes accelerated industrial production. This greater capacity to produce, presumably at lower unit cost, was the American genius that was needed in governmental operations.

The textbooks of the 1930's reflected these ideas. So also did other publications of the period. Survey reports recommending reorganizations rested squarely upon the recognized principles. Interesting codifications of the dogma were incorporated in agency guides and manuals as authoritative instructions to agency forces. The most sophisticated statement of the faith was probably contained in the papers edited by Gulick and Urwick.[9] Most

[8] "The Study of Administration," reprinted in *Political Science Quarterly*, LVI (December, 1941), 481, originally published in the *Quarterly*, II (June, 1887), 197.

[9] Luther H. Gulick and L. Urwick (eds.), *Papers on the Science of Administration* (New York: Institute of Public Administration, 1937).

eloquent was the Report of the President's Committee on Administrative Management.[10]

Today we recall this high point of orthodoxy as exerting very real pressures toward intellectual conformity. But in fairness we must also recall the momentum it contributed, toward involving political scientists in the real world of action on the one side, and toward professionalizing practitioners in public administration on the other. The administrative creed gave confidence and conviction to the political scientist. He found in it working standards that could be applied in the world of action, with assurance of constructive results. The academic person was thus equipped to give valuable guidance. As a custodian of the accumulated wisdom, and as a prior claimant to its exposition, he had an esteemed role beyond the confines of the campus. On the teaching side, meanwhile, there was a body of organized rationality to be communicated. For the graduate student, there was a bundle of eternal verities as a firm and reliable base for professional development. Among members of the profession, there were clear grounds for mutual endorsement and effort. All of this brought to the field an impressive degree of self-identification, consensus of attitudes, and spirited action.

The availability of a set of beliefs also brought benefits to administrative people in the government service. The orthodoxy provided them with a common ground of attachment to objectives that all could aspire to. It offered further a basis of affiliation. All who identified themselves as members of the "profession" shared a way of thinking about administration, a way of meeting problems and needs and, most important, a set of convictions. This influence could be observed in the public service from the city manager group at one extreme, to federal personnel officers and, to a large extent, budget officers, at the other.

To sum up the orthodoxy, it was a powerful and, in a way, a highly constructive force, whatever its inadequacies in retrospect. In its appeal as a guide to vigorous and productive action, it evoked intellectual involvement that later matured into a searching skepticism. In quite another respect, it gave the field identity and recognition that accelerated the movement toward professional education and professional awareness of shared roles and responsibilities. In a sense, it speeded institutionalization of the field, and this promises not only to survive the discarding of the original faiths, but also to stimulate the inquiries that may well produce a fresh and more meaningful synthesis of theory.

The orthodoxy declined in the postwar years. The shortcomings in its approach to the world of reality had become evident. To those who participated in wartime civilian administration, this was dramatically clear in at

[10] President's Committee on Administrative Management, *Report with Special Studies* (Washington: Government Printing Office, 1937).

least two respects. For one, the cherished dichotomy between policy and administration simply did not exist. Problems of administration did not stand alone. The difficult and significant questions were mixtures of policy considerations and administrative considerations, so inextricably intermingled that a choice of one was inevitably a choice of the other. Politics interlaced both.

The other prominent gap was the failure of the conventional beliefs to weigh the forces of human motivation, group loyalties, social rivalry, and the like. The expression "informal organization" came into the vocabulary to denote realities the formal theory had disregarded. Conviction grew that the deeply rooted, solidly built characteristics of an organization were products of its nature as a social organism. The formal structure superimposed upon this organism, and the operating methods established for it, might influence, but did not control it. They were at most included among the channels through which the organism expressed its special identity. The formal structure, for example, might strengthen or might tend to block, one or the other party to an internal rivalry. It might facilitate or impede opportunities for access by competing external groups. The significance of alternative arrangements in organization and in operating methods could be appraised only in terms of estimated impacts upon administrative behavior and relative power positions. Available theory did not encompass such ramifications.

The trend away from orthodox attitudes was both evidenced and stimulated by the influential writings of the postwar years. Barnard's *Functions of the Executive* should be included under this heading.[11] Although published in 1938, its major influence was felt several years later. The product of a professional administrator, it cast aside the bonds of conventional doctrine, and added a new set of dynamic human forces. Dwight Waldo's *The Administrative State* laid bare the superficiality of the orthodox beliefs.[12] Herbert Simon's *Administrative Behavior* offered psychological interpretations of administrative experience as sources of more meaningful understanding.[13] Paul Appleby's *Policy and Administration* re-emphasized the essential unity of policy, politics, and administration.[14] John Gaus's *Reflections upon Public Administration* brought significant perspectives into focus by developing the ecology of administration in its relationship to the whole of the governmental process.[15]

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[11] Chester I. Barnard, *Functions of the Executive* (Cambridge: Harvard University Press, 1938).

[12] New York: Ronald, 1948.

[13] New York: Macmillan, 1948.

[14] University: University of Alabama Press, 1949.

[15] University: University of Alabama Press, 1947.

Another strong influence toward reorientation was felt about this time, from theoretical speculation and empirical research in the related social sciences. The writings of Talcott Parsons in particular were and are powerful stimuli to the repatterning of conceptions.[16] His projections of comprehensive schema have pointed a way toward interrelating much of the corpus of the social sciences around a concept of social action. They warn also against taking an artificially microcosmic view of any particular set of social interactions; all are dependent upon the larger social systems and ultimately upon the culture itself. Spokesmen of less comprehensive outlook, more nearly in a middle range of theory, have been Robert Merton, Alexander Leighton, Elliott Jaques, Philip Selznick, Chris Argyris, Alvin Gouldner, and Peter Blau.[17] It may be relevant to note in this connection that the *Administrative Science Quarterly* is performing a signal service as a vehicle for expression of contributions from a variety of disciplinary sources.[18]

On balance, the net effect of the newer orientations was to cast public administration into a kind of open-endedness. Administrative experience was seen in situational terms; each critical incident was framed by its own cross-flows of dominant forces. Each was essentially unique. Whatever tendency toward repetitive patterns might exist was still beyond the scope of recorded experience. The assumptions underlying the casebook *Public Administration and Policy Formation* reflect this outlook.[19] Significantly, the orthodoxy of the 1930's had lost its authority as an explanation of reality and, more important, as a guide to administrative action.

The traditional canons of belief discarded, the field was left without a synthesis of ideas to use in their stead. A terminology remained by which the physical parts of formal structure could be identified. There remained

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[16] See Talcott Parsons and Edward A. Shils (eds.), *Toward a General Theory of Action* (Cambridge: Harvard University Press, 1951); Talcott Parsons, Robert F. Bales, and Edward A. Shils, *Working Papers in the Theory of Action* (Glencoe: Free Press, 1953); Talcott Parsons, "Sociological Approach to the Study of Organizations," *Administrative Science Quarterly*, I (June, September, 1956), 63–85, 225–39; and "Some Highlights of the General Theory of Action" in Roland Young, *Approaches to the Study of Politics* (Evanston: Northwestern University Press, 1958), 282–301.

[17] In this connection see Robert Merton, *Social Theory and Social Structure* (Glencoe: Free Press, 1949); Alexander H. Leighton, *The Governing of Men* (Princeton: Princeton University Press, 1946); Elliott Jaques, *Changing Culture of a Factory* (London: Tavistock Publications, 1951) and *Measurement of Responsibility* (London: Tavistock Publications, 1956); Philip Selznick, *TVA and the Grass Roots* (Berkeley: University of California Press, 1949) and *Leadership in Administration* (Evanston: Row, Peterson, 1957); Chris Argyris, *Personality and Organization* (New York: Harper, 1957); Alvin W. Gouldner, *Patterns of Industrial Bureaucracy* (Glencoe: Free Press, 1954) and "Cosmopolitans and Locals: Toward and Analysis of Latent Social Roles," *Administrative Science Quarterly*, II, 281–306, 444–480; Peter M. Blau, *Dynamics of Bureaucracy* (Chicago: University of Chicago Press, 1955).

[18] Published by the Graduate School of Business and Public Administration, Cornell University. Now in its third year of publication.

[19] Harold Stein (ed.), *Public Administration and Policy Formation* (New York: Harcourt Brace, 1952).

also a way of classifying some, but not all, of the elements of an administrative sitaution. But this was more a morphology than anything else, and the significance of the characteristics it defined was open to serious question. There was, and there still is, no clearly articulated and systematic theory of the administrative process that can pull all of the emerging insights into a consistent and meaningful pattern of causal relationships.

Several consequences are discernible. On the part of the academic profession there is understandable hesitancy to move into the world of administrative action to define problems and to prescribe solutions. Available verified knowledge is much too thin to support attack upon any but the gross problem situations that can tolerate a wide margin of error in treatment. There is ample basis, certainly, for questioning the so-called problem solutions occasionally proposed by consulting firms and others, whose theoretical orientations seems to be reversions to the traditional doctrine. But there is relatively little basis for more meaningful analytical approaches unless, of course, the objective is limited to the outright manipulation of power positions. In another area of the academic world, difficulties arise with doctoral dissertations and junior faculty research projects. These are much more difficult to design and execute than they were a generation ago, because the theoretical starting points are at best ambiguous, the research methodology is more complex, and the sources are often not easily accessible.

Practitioners in the profession, meanwhile, are tending to take approaches that warrant mention, largely because of the hazards they pose. A familiar one is the resort to "gadgeteering," the use of standardized, even prepackaged nostrums, as preventives or therapy for administrative difficulty. These may range from work simplification and supervisory training to electronic data processing. They have, to be sure, important potential utility, but too often the tendency is to apply them as cure-alls, with relatively superficial consideration of the special needs at hand, and of the special consequences of their use in the immediate context. Another not unrelated tendency is the attraction of dangerously oversimplified applications of human relations, communication, group thinking, and the like. But, while these practices must be deplored in many respects, the regrettable fact is that more valid, fundamental measures are not at hand.

All in all, a candid evaluation of the present state of public administration as an intellectual discipline has to recognize certain characteristics. First, it lacks a generally accepted theoretical structure to give it an identity, a relationship to political science, and a relevance to the burgeoning body of the social sciences. This difficulty will be expanded upon later. Second, the most significant theoretical speculation and empirical research bearing upon public administration is at present based in the fields of sociology, social psychology, and social anthropology. This work is making a valuable contri-

bution. But the primary concern of most of it is with the interaction process as such, rather than with the behavior of the institution in relation to its policy role and in relation to the larger scope of the policy process. Philip Selznick's work stands as a significant exception in this regard.[20] Third, the public administrative process shares many aspects, particularly those involving operating techniques and their uses, with the business, the industrial, the hospital, and the voluntary organization settings. Useful work is currently being done in these related fields. However, there remains an unmet need for bringing identity to the factors that would seem to make the public setting a thing apart. The public process is dealing with public policy, is exercising some measure of public competence (the capacity to tax and compel compliance), and is subject to public responsibility.

This statement of the characteristics of the field of public administration, admittedly summary and perhaps dogmatic, suggests the major areas in which professional effort is most sorely needed.

III

It seems clear that the first and most urgent need is for a theory of the governmental process. The requirement here is for a schema of concepts, rather than for a fully refined and elaborated structure of ideas. What is needed is a starting point, sufficiently broad in scope to admit to relevance any of the insights of the social sciences, sufficiently flexible and tentative to encompass the fruits of empirical research, and compatible with the design of alternative and conflicting operating assumptions for testing in a variety of living situations. Perhaps a theoretical base seems a needless luxury when so many problems in the world of action await analysis and solution. However, it must be remembered that all efforts at administrative analysis and prescription assume some set of causal relationships, and until these assumptions are validated by experience, they remain as subtly deceptive biases that may have little basis in reality. The former orthodoxy was grounded in assumptions that failed to stand the test of experience. A reconstruction of the field must begin with a painstaking effort to build a much more durable and reliable foundation. This is an intellectual challenge of the first order.

It has seemed to me that this challenge may be met by a conceptual approach with which some members of the profession are at present experimenting. This approach emerges from a view of governmental phenomena as evidencing a dynamic interplay of group actions or behaviors. These behaviors, energized by drives that are, in the broad sense, value-seeking, utilize cultural symbols and values, institutional channels, and the productive capacities of the governmental sector of the society to seek their satisfactions. In

[20] See particularly his *TVA and the Grass Roots*, *supra* n. 17.

other words, the flow of governmental action is seen as an unceasing endeavor to render the satisfactions or gratifications matching the anticipations of the groups dominant in the particular context. What is observed, in short, is a need-response mechanism in which both factors are highly complex social variables.

These behaviors appear to cluster in a process that, with certain significant variations, tends to retain its structural characteristics. The central purpose, or focus, of this process, is simply that of identifying the common needs that governmental action is expected to meet, and of utilizing governmental capacities toward satisfaction of these needs. The process has no generally accepted designation in the vocabulary. "Policy process" is used here, for discussion purposes.

Policy process, then, identifies one of the systems of regularized behavior by which the society expresses its values. Obviously, it is not the only one. The society uses a multiplicity of institutions and other structures of social interaction in seeking such expression. Examples are the market economy, and systems of religious affiliation and mass education. Among such systems, the policy process points to the political phase of the culture. In Talcott Parsons' context, it would be the "polity" sector of his functional imperatives. It is similar to other systems insofar as it is a continuing process of social interaction, of personalities, groups, and social systems, oriented toward realization of some set of goals or, more broadly, some pattern of satisfactions. It is distinctive in that it moves ultimately through the channels provided by political institutions, it is confined and regulated by the value system implicit in the institutional system, and it accepts the sanctions of public responsibility. A capacity is thus acquired to invoke the authority of the state, chiefly with respect to taxation and regulation that re-enforces the value-seeking drives.

Utilization of the policy process instead of some other societal mechanism may be for any of a variety of reasons. Many instances come to mind. The cultural symbols associated with the values sought may be closely identified with the role of the state in the culture, as in the case of the common defense or criminal law enforcement. The governmental sector may have become the customary agent by tradition or long practice, as in the case of the post office. Again, a universality of expression is sought which necessitates a broad range of social involvements or of access to benefits, as in public education. The essential product, or productive capacity, may be beyond the scope of any other form of co-operative effort; the control of communicable disease is an example. Such influences as these call for the utilization of the policy process as the necessary and proper means of meeting societal needs. The distinctive characteristics of the process itself, however, derive from the cultural symbols, the societal values, the institutional mechanisms, and the group interactions that are associated with it.

The organized institutions of government have roles as social organisms in the interaction pattern of the society. Without these institutions, the policy process could not function. There is a host of societal aspirations that can be realized only through positive action of governmental institutions. A governmental activity that matches the felt needs of directly or collaterally interested groups will be regarded, and supported, as an "effective" program. But a quick judgment of "ineffective" is likely to follow upon a shift in perceived need, unless met by a well-timed response. In many instances, of course, opposing anticipations are simultaneously present, positive and supporting of the response on the one hand, negative and resisting on the other. Observation suggests that the response side of the mechanism then reacts so as to maximize supports and minimize threats. In other words, there is an apparent tendency toward equilibrium, with counter-balancing forces for disrupting forces.

Centering attention upon this policy process does not imply exclusion or dismissal of such familiar approaches as institutional description, legal analysis, philosophical speculation, or theoretical model-building. On the contrary, the policy process approach may be regarded as supplying a central framework within which other approaches, protected against artificial isolation, come to a more meaningful and mutually supporting relationship. It has also the utility of providing a conceptual pattern into which the insights of the related social sciences can be incorporated. Governmental organization, for example, influences the form of public participation, and in turn is influenced by pressures generating the drive to participate. Forms of organization often channel participation, and provide different degrees of access to groups differently situated. Group behavior, and the behavior of the microcosmic systems of communities or state areas, are conditioned by special value systems that are fertile grounds for philosophical analysis.

When the policy-process approach is used, institutions and mechanisms of political organization, legislative action, executive administration, adjudication and the rest, merge into an intricately interconnected process for seeking satisfaction of societal values. A familiar variety of power complex shows a well-knit axis of interest groups, rooted in both political parties, its members controlling key legislative committees, and its allies entrenched in stable and respected administrative agencies. Pressures for dedicated revenue systems, separate budgets, and independent personnel systems are products of drives toward functional self-sufficiency that produce virtually self-contained sets of governments within a governmental system. Public school and highway systems often show these characteristics in the states. The particular pattern of group and institutional interaction observable in any locale, or in any functional setting, may indeed be the unique product of the combination of forces operating in that locale or setting. Indigenous leadership, for

example, may range in location from the pressure group secretariat to the legislative committee chairmanship to the professional administrator. So also can other roles vary in location and in relative influence. It may be that some attributes recur with sufficient consistency to suggest a basis for generalization and inference.

But a broadly projected schema of the policy process does not in itself supply the working models and operating assumptions needed for empirical research. Meaningful research is problem-centered; the design of analysis is necessarily built around the perception of the problem under examination. The value, indeed the indispensability of the larger schema, is that it provides the broadest range of ideas from which the research design is derived, and with which the assumptions in the design are consistent. In this way, relevancies among a variety of projects can be established so that their inferences cumulate to a generality of meaning. The patterns and consistencies that emerge will in turn contribute to clarification and refinement of the schema. The conception of the policy process as a kind of action system in which all factors are complex social variables suggests experimental approaches to a variety of field problems.

The importance of executive integration, for example, has long been a revered assumption in administrative analysis. However, powerful forces are frequently observed to resist executive centralization. In some instances, so it would seem, this is because the executive function is not identified with the goal-attainment to which the policy process aspires. Rather, the executive influence is regarded as a threat to goal-attainment, a menace to the self-sufficiency of the action system. This observation suggests that a fresh analysis of the executive role could be useful. The result might be the finding that integration of the executive function adds little, if anything, to realization of program objectives. Related questions concern the apparent drives toward an essentially pluralistic administrative system, one in which the most powerful forces work toward development of parallel systems of policy action, with each system essentially self-sufficient and wary of interaction with other systems. Under these circumstances, it may be that the co-ordinating influence of the chief executive will seldom go beyond occasional mediation of conflict among action systems, unless the executive becomes an integral part of one of the systems. Then the executive influence is within the particularized policy process, rather than toward any sort of idealized executive function symbolizing a larger, but possibly nonexistent unity.

As a quite different inquiry, the question of responsibility could be analyzed. The nature and relative influence of forces converging upon the administrative process to produce one or another type of response have been commented upon in many places. However, much remains to be done in exploring the interplay of stimulus and restraint in a variety of contexts. The

condition of "responsibility" might be considered the product of a complex of interacting dependencies building toward an equilibrium of disturbing and sustaining forces, and possibly resulting in a kind of independent self-sufficiency within the range of these counteracting pulls.

This general approach could be applied to the whole of a governmental context. The analysis of urban areas, particularly those marked by a multiplicity of jurisdictions, could be approached in terms of the presence, or absence, of policy-action systems that enable the area, as a social entity, to act with any perception of common identity and shared goal anticipations. To put the point a little differently, the need for the operation of services on a unified, area-wide basis may develop well in advance of any social mechanism adequate to the functioning of an area-wide policy process.

Many more potential applications of this approach come to mind. Enough has been said, however, to explain the point. Research inquiries stemming from the concept of the policy process can open up fresh approaches to the well recognized problems of administration in a way that, potentially at least, may bring useful understandings of significant causal relationships.

One further word seems pertinent. The kind of research that is referred to here will be field research. It will be pursued in the living context of policy formation and policy expression, in the operations of administrative agencies, and in their relationships to the legislature, supporting and resisting groups in the society, and competing agencies. Official documentary sources will be thin, in most instances nonexistent. Research technique will center around depth interviews and disciplined observations. Access to the process in itself will be a problem. Methodology will need refining, because the available tools are still not precise or readily manageable. The universities and the library centers will be less the locations for research activity, but increasingly the base of operations, the place to which the researcher returns for reflection upon his data and for the restoration of his perspectives.

This research prospect has a special challenge to the political scientists in the western states. Our field laboratories are unexcelled. There is much about the relatively open society of the west that may make this research approach more manageable than it would be in the older, more highly structured areas of the nation. The society, moreover, is a political society in the process of maturation. Here are outstanding opportunities for creative imagination, exciting observer-participation, and intimate understanding. They await the professional enthusiasm to utilize them.

CANADA AS A PHENOMENON FOR POLITICAL SCIENTISTS*

HENRY FORBES ANGUS†

I am here to-day as the result of two decisions —yours and mine— which were more emotional than rational. At the 1958 meeting of the P.N.W.P.S.A., at which I was unfortunately not present, you threw discretion to the winds and chose as your president an over-age professor who had retired from university teaching and had entered a new field of activity as chairman of a Public Utilities Commission. When I was informed of your decision, I in turn threw discretion to the winds and accepted an office for which I was no longer qualified. As I have said, my decision was emotional. I was flattered by the undeserved compliment you had paid me. I welcomed an opportunity to renew my contacts with my friends in the United States, and it is always pleasanter to say "Yes" than to say "No." To-day the chickens have come home to roost and, for the next half-hour, we must face the consequences of our rash decisions.

Your next annual meeting will, I hope, be held in British Columbia. My first and most pleasant duty is to invite you to hold it at the University of British Columbia. You will be visiting — few if any of you for the first time — a province which has recently become very conscious of its past by devoting an entire year to celebrating its centenary. The year 1958 was the centenary not of discovery or settlement which had occurred earlier, nor of life as a province of Canada which did not begin until July 20, 1871, but of existence as a political entity, a British Colony.

It is on the assumption that the invitation to meet in British Columbia will be accepted that I have chosen as my theme to-day, *Canada*, considered as a phenomenon of possible interest to political scientists. It has often been an amusing pastime for Canadians speaking in the United States to attempt to dispel some of the myths in circulation in that country arising apparently from an identification of Canada and Elizabeth II with Great Britain and George III. I am not going to insult an audience of political scientists with remarks of this sort. My purpose is to bring to your attention a few things about Canada which are so obvious that many Canadians have barely noticed them, but important enough to deserve consideration.

Unlike the United States, Canada has never been able to boast of its institutions as representing the crowning of military success by a display of political wisdom drawing on a rich political experience and looking forward to an unlimited future. When Canadians boast of an unlimited future they

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* Presidential address at the twelfth annual meeting of the Pacific Northwest Political Science Association at the University of Washington, Seattle, March 27, 1959.

† University of British Columbia.

speak, as they think, in economic terms with the United States as a rival destined to be equaled and eventually surpassed.

If, however, you can excuse the absence of the dramatic, Canadian institutions do present a certain interest, even for foreigners who are not, like you, our immediate and friendly neighbors. Canada is the only country in the Americas which has progressed in an orderly political manner and with complete respect for law from colonial status to national status. We have never experienced a rebellion worthy of the name. Alone among the neighbors of the United States we have succeeded in keeping our territory intact.

It sometimes comes as a shock to Canadians to find how peculiar they are in these respects. When in the course of World War II we were asked by a Latin-American republic to supply the names of our national hero and our most celebrated rebel in order that streets might be named in their honor, side by side with streets named after other national heroes and other celebrated rebels, we were embarrassed. We had no suitable hero and no suitable rebel and no leisure in which to concoct myths designed to create them. In my professorial days I used to try this question on university classes. As far as I could judge they felt surprised, puzzled, and a little humiliated. The prospects for the future are depressingly bleak and offer singularly poor opportunities for a Joan of Arc, a George Washington, a Lincoln, a Lenin or a Sun-Yat-Sen.

The achievements I have mentioned — orderly constitutional development, avoidance of serious rebellion, and immunity from invasion — precluded the emergence of national heroes, or rebels. Our next noteworthy achievement is almost equally inconsistent with their existence. We have designed and operated successfully a federal system comprising two ethnic groups — unscientifically referred to as races — without serious prejudice to the vital interests or the self-respect of either. To appreciate the unique character of this achievement we should look at the universal tendency for the withdrawal of external political control to be followed by a sharp political division or cleavage and to the failure of all projects for a federation composed of member states which had once tasted the joys of national sovereignty. The Canadian achievement represents nearly the high watermark in federations, retaining on a voluntary basis a union imposed initially from without.

A third political achievement is a little more difficult to describe with precision. In Canada we have combined the essentials of parliamentary government, with no constitutional restrictions on the legislative powers of legislatures acting within their respective spheres of competence, with federalism. Of course the very nature of federalism does demand a division of legislative power between the Parliament of Canada, on the one hand, and provincial legislative assemblies on the other; and also demands that the

power to alter this division must not lie with either the Parliament of Canada or the provincial assemblies. Furthermore, as late as 1931 some imperial legislation extended to Canada. This legislation, however, never amounted to a bill of rights and it is without constitutional guarantees that we have maintained in Canada a relatively high level of civil liberty and of respect for the traditional human rights.

In successfully combining parliamentary government and federalism Canada shares the honors with Australia. In both countries federation took place at a time when parliamentary government was at the height of its prestige. A powerless but dignified Chief of State is an institution of enormous practical value and something extremely difficult to establish (as French experience shows). It is something which the United States has never experienced.

The peculiar achievements of Canadian federalism require a brief comment. The inception and development of our federal system have been determined by the existence of French Canada. The English-speaking provinces would have united but might well have formed a unitary state with a large degree of local autonomy — what was at the time (1867) called legislative union. In any event the federal powers would have been wider than they are had it not been for the insistence of French Canada.

The essential of a federal system — that neither the federation nor its member states should be able to alter its division of legislative power at will — was assured, for the time being at least, by the legislative supremacy of the imperial Parliament. This has now become an anachronism and an imperial statute will not bind Canada unless it is expressed to be enacted at the request of Canada. But no procedure has been adopted for formulating the request on which a change in the division of legislative powers would be made — no procedure, that is, other than unanimous consent. It follows that every province can consider that it enjoys a veto on any such constitutional amendment and that Canada is perilously near to an unamendable constitution. As your experience in the United States shows, the unanimous assent of member states is not easy to secure. In Canada it has been secured only once — when the power to legislate on unemployment insurance was given to the Parliament of Canada. There is still a faint hope that it may be secured for providing a method of amendment — the counterpart of Article V of the Constitution of the United States. But bad as it may be, many are reluctant to relinquish the present method, which in a time of crisis might be stretched to enable the imperial Parliament to honor a request of the Parliament of Canada alone establishing a method for future amendment. In the meantime there is always the possibility of helpful judicial interpretation by the Supreme Court of Canada. It might hold that words no longer mean what they were clearly intended to mean and in fact

did mean when they were first used. But the consensus necessary to make such action acceptable hardly differs from the consensus adequate to make formal amendment possible by universal consent.

A disinclination to change constitutional arrangements is, of course, a stabilizing influence in the Canadian polity and a large minority which does not demand fundamental political or economic innovations is in strong contrast to the more troublesome minorities which are secessionist or obstructionist or which find their spiritual affinities in some other state. Canadian success in uniting two ethnic groups in a stable federal system has been facilitated by the fact that the large minority has external apprehensions, both of a military and of a cultural character. Military fear of the U.S.S.R. from the north and cultural fear of the United States from the south combine to consolidate our federal system.

The military fear is shared by the majority and dominates our external policies. The cultural fear is not spontaneous in the case of the majority but is the outcome of the reflexions of an élite and is being sedulously and, all in all, successfully stimulated. As the embodiment of the danger which is apprehended you may be interested in a brief analysis of it.

The cultural danger is obvious, and fear of it understandable, in the case of French-speaking Canada. The survival of a language, a culture and a way of life is at stake. A minority which is large in relation to English-speaking Canada would be small in relation to English-speaking North America. The danger and the fear are not obvious in the case of English-speaking Canada, but they are understandable on the assumption that all Canadians aspire to be and to remain a nation with distinctive qualities. A nascent nation is ready to believe that national identity can be preserved only if national peculiarities and differences exist and that therefore, regardlesss of their merits or demerits, they should be cultivated. A colony as it matures becomes more and more reluctant to consider the mother country as setting standards which it must imitate as best it can. It is anxious to free itself from any sense of inferiority. Up to this point Canadian experience is not unlike that of the United States. But Canada, emancipated from one external standard, is confronted with another which may well prove fatal to national vitality. Curious paradoxes follow. Canadians welcome external cultural influences but in the case of their immediate neighbor attempt to protect themselves against excessive influences. At the same time they may accept, and even seek, assistance from American endowments, and there are virtually no particular or namable influences which they detest. They experience all the embarrassment of a moderate consumer in the face of lavish hospitality.

In search for methods of protection three avenues are being explored: an ambitious design for bilingualism and a blending of French and English cultures to form a Canadian culture; the separate promotion of both French

and English cultures in Canada in the hope that both may be distinctively Canadian; the encouragement of non-American external influences, particularly from English-speaking countries. Of these the first receives lip-service from many who never read even well-known French Canadian novels in French and who would resent bilingualism as a condition of employment in the government service; the second, combined to some extent with the third, is receiving substantial support from the government and is enlisting the collaboration of Canadian artists, scientists, and writers. It is strengthened at the university level by the simple fact that many of our best university teachers have refused offers to better themselves financially by working in the United States. One does not have to be much of a psychologist to realize that they take pleasure in justifying their decision to themselves and others on patriotic grounds. Those sheep-dogs who have deserted to the wolves are likely to be apologetic rather than boastful when they revisit Canada, while those teachers who have never been invited to migrate are likely to be enthusiastically Canadian. To complete the picture of our universities as bastions of resistance, it should perhaps be added that the American members of their staffs are not apostles of Americanism and, indeed, include some teachers who could, without gross exaggeration, be classed as *émigrés* or even as refugees.

I have not exhausted the political peculiarities of the country which this Association is to visit next year. Canada would deserve a high rating for respect of basic human rights, but these rights are not constitutionally guaranteed against infringement by legislation, whether federal or provincial. Our legislatures are, in accordance with the traditions of parliamentary government, omnipotent. A federation obviously limits their spheres of competence. In any federation there must of necessity be a sphere within which neither the federal legislature nor the legislatures of the member states may act. Its minimum content is amendment of that part of the constitution which delimits the powers of federal and state legislatures. But it may, as in the United States, extend much further and include all amendment to the federal constitution and even legislative power to infringe specified individual rights. In Canada, where federalism and parliamentary government are combined, it does not do so.

This situation, which may seem a little curious to you, arose very simply. A colony does not enjoy the right of unrestricted constitutional amendment, and British colonies have not enjoyed the right to interfere with imperial legislation extending to them. This legislation might, and did, protect some of the traditional rights. It was not resented as no one seriously wished to impair these rights. But no further protection seemed necessary. But Canada is no longer a colony and since 1931 has been able to legislate on any topic at will. The right to amend the constitution (except as regards the rights of

the provinces) has been expressly conferred on the Parliament of Canada. The question of whether or not some restrictions should now be imposed on our legislatures is bound up with the whole question of constitutional amendment which I have mentioned earlier. The present gesture of "guaranteeing" by legislative declaration is a provisional device which may suffice for a long time to come. In the past the chief offenders have been the provinces and they are not bound by federal legislative declarations. They have not been bad offenders and it is not easy to make an impressive list of their offences. An example, close to home, would be the denial of the right to vote on grounds of race which persisted in British Columbia until after the second World War.

In concluding, I do not wish to leave you with the impression that federalism in Canada, any more than federalism in the United States, has been an unqualified success. I have merely tried to point out its peculiarities. I must confess that I originally contemplated a more ambitious theme for this occasion and thought of discussing the seamy side of federalism. It has a seamy side. Under modern conditions it may seriously impair the sense of financial responsibility which is essential in a democracy. It is all too easy for a provincial government to profess the conviction that more should be spent on roads, universities, schools, hospitals, and other matters which are primarily of provincial concern but to refuse to impose the necessary taxation on the ground that the federal government has broader financial resources. The simple basic question, does the desirability of a service outweigh the undesirability of a tax, is never driven home to the voter's mind. I do not wish to discuss here and now this serious problem which is not peculiar to Canadian federalism. But I am mentioning it in concluding my address in order to help us to bear in mind that behind superficial differences between our two countries there lie basic problems which we must both face, each in our own way.

THE POLITICS OF THE BEAT GENERATION

EUGENE BURDICK*

There is, of course, no such thing as a "Beat" Generation. Rather, there is a small group of people with an intensely private vision. Jack Kerouac (*On the Road* and *The Dharma Bums*), John Clellon Holmes (*Go!*), and Allen Ginsberg (*Howl*) were among the originators of the movement. They dreamt of a "generation of crazy, illuminated hipsters suddenly rising and roaming America, serious, curious, bumming and hitch-hiking everywhere, ragged, beatific, beautiful in an ugly, graceful way . . . *beat*, meaning down and out but full of intense conviction."

* University of California, Berkeley.

The movement's natural home seems to be San Francisco. The "originals" have in many cases moved away from San Francisco, but there is a thick husk of bystanders, onlookers, and spectators. In general, this husk does not possess the intensity, nor, in most cases, the talent which the "originals" possessed.

The original hipsters were in a muted, low-pitched, inarticulate revolution which had as its first step the sharpening of self-knowledge.

In at least two senses the movement is reminiscent of existentialism. First, in its suspicion that science or pure rationality or logical structure does not exhaust the whole range of reality or meaningful experience. The hipster points out, often with glee, that the scientist manages to say things in language which is impeccable but which violates common sense. Like Maritain, the hipster believes that reason can become a form of totalitarianism as well as a form of obscurantism.

In his concern with anxiety, the hipster is also remarkably consonant with the main stream of existentialism. The hipster does not, however, believe that Freud was necesssarily correct in his theory of anxiety. Generally, Freud is suspect because of his bourgeois, restrained, middle-class and conservative background. Much more, when talking of anxiety, the hipster is likely to quote Nietzsche, who, they argue, had an awful prescience about the rottenness of Western civilization. This rottenness consists of the dehumanization of modern man by the inhuman growth of institutions, the pressures for external conformity and a collective refusal to examine the self. The hipster believes that the organization and institutions of our society have, beneath their confection-like façade, killing and senseless muscles. With unfailing precision these institutions ask an identical price for admission: the self. Modern man, dimly aware of the price that he has paid, is racked with anxiety, but seldom has the courage to do what is necessary.

Given this theory of organization and of individual autonomy, the first step for the hipster is clear. He "disaffiliates." This means that he withdraws from the senseless organizations of orthodox society, whether these be political parties or corporations. He is convinced that all such institutions are dominated by the same mentality, whether the person on top be labeled a commissar or a vice-president. The hipster is determined to live on the safe margins of society, taking whatever jobs he can, making no firm commitment to any organization. These organizations include, it is made clear almost with virulence, the family.

For the serious hipster, disaffiliation is first a protective gesture, but it also leads to a second phase. This is the cultivation of self. Distrusting all "translations of experience" and all administered experience, the hipster plays it cool and digs only those things which interest him personally. It is this aspect of Beat Generation experience which has attracted the most sensational

attention. Sexual excess, smoking marijuana, listening to "far out" jazz, reading poetry to jazz are all ways in which the hipster attempts to deepen his own knowledge of internal self.

This is not to suggest that the hipster is an anchorite or desires to live in isolation. Quite the contrary. He is convinced that as he grows more gentle and understanding he will take on a "Christ-like" quality. Not a hard Christ or a crusading Christ, but a gentle, beatific Christ who "feels" and is forgiving and sincere. No figure of speech is used as often as "Christ-like" in the beat vocabulary.

When one has attained a sufficient degree of self-knowledge, the hipster argues, it is possible to reshape society. In general the hipster sees this being done in two ways. The first is the simple power of example. Here the hipster sounds very much like the younger Bakunin with his elaborate theory of spontaneous revolution and the enormous persuasiveness of the vivid example. The hipster does not wish to form political parties or pressure groups or bring bureaucratic skills to bear in molding his social life.

A number of the hipsters either began as self-conscious anarchists or have evolved in that direction. There is a great suspicion of formal institutions and of government.

In a society such as ours it would be mischievous to argue that the hipster philosophy is likely to be a significant movement. However, given the increasing pressures for conformity and the growing drabness of spiritual life their *potential* would seem to be growing at precisely the moment that their membership is shrinking.

THE POLITICS OF BRITAIN'S ANGRY YOUNG MEN

MORTON KROLL*

A conglomerate group of young English writers has come into prominence in the 1950's under the highly marketable label of "Angry Young Men." Their writing ranges through and beyond the political spectrum, taking varied form, including essays, picaresque and comic novels, heroic tragedies, attempts at literary criticism, motion pictures, poetry, and drama. This study is concerned primarily with the work of four writers generally identified with Left and Center, more especially with those pieces which established them as "angry": Kingsley Amis, *Lucky Jim* and *That Uncertain Feeling;* John Braine, *Room at the Top;* John Wain, *Born in Captivity;* and John Osborne, *Look Back in Anger.*

These writers did not face their world as adults until after World War II. A shrinking, faltering, crisis-ridden Britain in the 1950's, reflecting an admix-

* University of Washington.

ture of values and a social structure these writers regard as oppressive, repulsive and antiquated is the social target of their dissent.

The instrument of dissent is their story of young men with all or a substantial part of a university education and of financially difficult middle-class and proletarian backgrounds. The major conflict is between the individual *qua* individual and his society. The heroes are either repelled by a society to which in large part they think it hopeless to relate themselves, or, as with Braine's hero, they are consciously warped by a major value into a pattern of behavior which, if superficially successful, is fundamentally megalomaniacal. The hero as a prototype is generally sensual, as if to illustrate the authors' views that a young man enters life with at least an abundance of animal energy; Osborne's Jimmy Porter ends up with little more. Added to the education and animalism is a powerful sense of individualism. The hero is invariably an autonomous, egocentric entity who, through the struggle to identify himself, gains a perspective of his relation to the world about him; even Braine's Joe Lampton knows what he is about, though he feels he cannot help himself, nor does he find anything in society that can save him. Most of the heroes, as young men and as individuals, seek answers not for society, but for themselves. Braine's hero succumbs with an overriding sense of guilt. Wain's and Amis' heroes disengage themselves from the torn fabric of a society and end up in hopeful, detached niches, although in the case of Amis' young man in *That Uncertain Feeling*, not without ominous possibilities. If there is evidence of hopelessness, it is not absolute; the objection is to certain attributes, elements and values in society, not to society per se. Wain and Amis argue as well for the positive value of the struggle for self-realization, for the discovery, in essence, of the meaning of Being.

The social criticism of the Angry Young Men forms an important part of their protest. First, they bitterly resent the rigid pattern of class stratification, which they find inhibiting, stuffy, insensitive, and unjust. Most of the heroes in these works were educated for roles which transcend their class identity; they are displaced persons in English society, belonging to no one, yet wanting to have an acceptable identity compatible with their self-realization. Secondly, they reject formal institutional ties and relationships. Amis is particularly sensitive to the inanities in formal organization and formal interaction; he lays bare the contagion of informal relations carried to a corrupting extreme in local government as well as the degrading dependency of subordinate upon superordinate in an academic environment. Thirdly, economic insecurity and the depressed status of individuals without money are hit, harder by Amis and Braine than the others. Fourth, there is a strong disenchantment with the past, especially the recent past; Osborne's hero proclaims there are not causes left to fight for, and Wain's hero rejects the radicalism and literary intellectualism of the twenties and thirties. Finally,

they reject anything that will inhibit their development as individuals: they rebel against that which they regard as superficial in social relations; they despise what they regard as dullness and "uppishness"; they turn their backs on "fiddling"; they will not accept anything that dulls the intensity of feeling, the proclivity to act and react to their environment. They refuse to join a society that will deny them anything because it is "out of their class."

A strain of apoliticism runs through these books; at the same time one is struck by their relationship to modern liberalism, for basically the writers ask that society serve the individual, who should be freed from those pressures of society and the state which would inhibit his fullest flowering. They do not reject all society; none of the heroes leaves England. They dissent; they run away from what they do not like. Detach, but don't destroy. If necessary, escape from an impossible situation and find one's own comfortable niche. The solutions voiced for society's ills are in the form of fleeting remarks on voting Labour and crude illustrations of economic inequality. They display a Shavian intolerance toward immediate social shortcomings.

In the Britain of the 1950's there arises, then, a literature of dissent and limited disengagement, a literature which in part is only loosely tied to a tepid Socialist cause, a literature which rejects much of the protests of the past and emphasizes the inner strength of the individual and his struggle to come to grips with a hostile and oppressive reality. The literature of England in the twenties and thirties has been referred to as the "long weekend"; the output of the Angry Young Men in the fifties might well be thought of as belonging to the Monday after.

THE POLITICS AND ECONOMICS OF THE 1957–1958 RECESSION

RICHARD W. GABLE*

In 1957 and 1958 the nation's economy underwent its third postwar recession. Signs that the economy was faltering could be detected in early spring, 1957. The recession reached serious proportions by November; it surpassed in depth all declines since the Great Depression by February, 1958.

The experience with this recession makes clear the political difficulties of getting agreement about what is happening when the economy takes a turn and what to do about the change in direction. The state of knowledge about our economy has reached a level which permits perceptive observers to know what is happening. The tools available to cope with developing

* University of Southern California.

weaknesses are such that a recession can be prevented or controlled, given the will to act.

In 1957, however, early warnings went unheard and the expert advice of the Council of Economic Advisors was ignored until the economy faltered seriously. Signs of the downtrend were quite evident in the summer of 1957. Chairman Raymond Saulnier of the Council of Economic Advisers recommended easier credit; in August the Federal Reserve Board tightened it. Saulnier's advice became more insistent in October and he suggested that increased spending be used to meet the slump. Instead, previously planned cuts in contractual obligations increased in October and November.

The Federal Reserve Board did nothing until November when discount rates were cut. The President took no action until he released funds for housing in December. In January, the President indicated that he had no plans to ask Congress for action. Not until March did he submit an anti-recession program.

The Administration placed primary reliance on monetary policy, but made almost no use of the extensive fiscal tools available to government. Some spending was accelerated but little new spending was proposed and much that the Democrats approved in Congress the President rejected or approved only reluctantly. The necessary concomitants, temporary budget deficits and reduced taxes, the President could not accept. Only once did he express approval of "reasonable deficits" but his actions belied this statement. While he announced that tax cuts might be necessary, he never advocated them and was again in opposition to Saulnier. The Vice President and the Secretary of the Treasury appeared as more vigorous supporters of tax cuts than the President.

To successfully combat an incipient recession policy-makers must be able to determine when and with what force to apply the various controls which are available. Moreover, they must have the willingness and the courage to apply the necessary measures at the right time and with the correct force. Honest men may disagree over what controls should be used, when they should be applied, how, and in what order. These differences are the result of conflicting social and political philosophies rather than of insufficient knowledge and inferior techniques. The Republican perception of the recession and the action taken were rooted in a conservative economic philosophy, a laissez-faire view of government, and a fear of inflation.

The conservative position is less interested in economic growth and more interested in stabilizing the purchasing power of the dollar. Occasional recessions are viewed as unavoidable and sometimes necessary. The conservative view is also concerned more with the total structure of the economy than limited or immediate problems. Long-run rather than short-run problems and issues are emphasized. In the short run some troubles, like a tem-

porary downtrend in the economy, are seen as inevitable. Unemployment, as one example, is viewed in economic terms primarily, rather than human terms, so its importance is depreciated as a short-run problem.

Governmental efforts to alleviate immediate troubles are discouraged because they are contrary to a laissez-faire philosophy and because they contribute to the more overriding danger of inflation. More trust is placed in the natural focus of the economy than in human abilities and motives to interfere with them. Individual action, self-restraint, and confidence in the economy lead to market adjustments that produce recovery faster than government action and they are more effective in the absence of government interference.

A balanced budget is another symbol of the conservative position. It is viewed in the same terms as a budget in a home or a business. A public debt is looked on as something immoral. Manipulation of monetary and credit policy is more acceptable than reliance on fiscal policy. The only objective of taxes is to collect revenue and they should be reduced only when there is a budgetary surplus.

The fear of inflation also dominated the Administration's policy. The President and the Federal Reserve Board, even as the recession worsened, emphasized the dangers of inflation over the threat of deflation. Economically the President was wrong and politically the Republicans placed themselves on the wrong horn of the dilemma.

Presidential leadership was weak and ineffectual in coping with a major domestic crisis. In matters of fiscal policy and devotion to the objectives of the Full Employment Act Republican leadership adhered to a philosophy which obstructed effective and properly timed anti-recession action. Instead of taking government action, the President advised individual action and self-restraint.

Yet, the philosophy underlying the Full Employment Act is one of action rather than inaction. It does not assume that turns in the economy are normal or desirable nor that natural forces will correct these disturbances. On the basis of the record presented here question is raised whether the President fulfilled his executive responsibility under the law.

THE EISENHOWER ANTITRUST POLICY: PROGRESSIVISM OR CONSERVATISM?

RICHARD B. WILSON*

Notoriously, American antitrust policy has been the object of vigorous theoretical dispute. From early dissatisfaction with the "rule of reason" to what in our day Dirlam and Kahn have called the "New Criticism," appli-

* University of Colorado.

cations of the antitrust concept have given rise to persistent and fundamental questioning. The basic issues have concerned the values to be realized and maintained by encouraging competition, as well as identification of the practicable boundaries of competition in a mass-production economy.

One group of disputants, viewing competition as "an end in itself" and as the economic counterpart of political equality, take the Marshallian model of the perfect market for their ideal. Others, identifying *efficiency* as the ultimate goal of economic activity, adhere to a concept of imperfect or "workable" competition.

This theoretical conflict has recently focused on three major aspects of antitrust policy — the multi-faceted issue of size, growth, integration, and merger; exclusionary practices and unfair methods of competition such as tying contracts, exclusive dealing arrangements and price discrimination; enforcement practices. "Liberals" have urged the development of per se doctrines for defining and penalizing illegal activities in each of these areas. The "New Critics," or realists, prefer interpretive elaborations of the "rule of reason" within a framework of market behavior analysis. They would attempt in each case to measure the probable competitive effects of challenged practices on the industry or "line of commerce" as a whole.

Since the Eisenhower antitrust record reveals little that is startling in terms of the number of complaints filed, amount of funds available for prosecution and investigation, size of staff, or extent of consent decree activity, it might be more profitable to inspect the interpretation which both the antitrust Division and the FTC have made of their limited powers and resources within the three areas of controversy noted above.

In its prosecution of single firms under the Sherman Act and Section 3 of the Clayton Act, the Department has avoided commitment to the notion of "workable" or "imperfect" competition as its definitional framework. The more easily identifiable factors of size, intent, and market dominance have been stressed in an effort to elicit from the courts specific per se rules for the definition of illegal behavior; obligation to demonstrate by economic analysis the likely competitive effects of challenged practices has been denied wherever possible. On the other hand, the Department's Sherman Act conspiracy cases show greater willingness to employ market behavior analysis as a means of proving the requisite intent. In its anti-merger prosecutions under amended Section 7 the Administration has vacillated between these two orientations, veering first toward one, then the other, depending on the case at hand.

Conversely, the FTC has accepted the legal consequences of "workable competition" by revitalizing the "rule of reason" and has employed elaborate economic analysis as a basis for predicting the competitive consequences of current trade practices. One may well question, of course, the extent to

which an independent Commission such as the FTC reflects administration policy, even though a majority of its members are Eisenhower appointees.

Whether we accept equity or efficiency as the ultimate end, perfect or imperfect competition as the dominant test of antitrust policy, large concentrations of economic power remain a stubborn fact to be reckoned with. As political scientists, who have observed pervasive changes in and unexpected results from the operation of a "check and balance" theory within the structure of formal government, we should perhaps remain skeptical of its economic corollary — the concept of countervailing power as it may operate among large firms or between them and other foci of economic strength. Equally might we question token efforts to break up "Big Business" without monumentally expanding the resources of enforcement agencies and without more systematic attention to the long-range consequences of such a policy. Neither "Liberals" nor "New Critics" have given sufficient thought to the theoretical relationship between antitrust on the one hand and such fundamental concepts as contra-cyclical fiscal policy, the requirements of long-range economic growth, and the demands of self-government on the other. Perhaps no satisfactory shaping of antitrust policy will be possible until we can produce a more comprehensive theory of the role of government in modern society. As his contribution to resolving the antitrust dilemma, the political scientist might well turn his hand to such a task.

SOME POLITICAL AND ECONOMIC APPROACHES TO PEACEFUL DEVELOPMENT IN ASIA

KARL VON VORYS*

One of the most significant factors in international politics is that while the physical distance between the Western nations and Asia is constantly decreasing as the result of improved methods in communication and transportation, the economic distance as measured in comparative incomes and standards of living is steadily increasing. India and a group of other newly independent states following her example are determined to improve their standard of living through public planning. They are equally concerned, however, that public capital formation be financed through the voluntary investment in government bonds and the voluntary sacrifice of taxes approved by representative legislatures.

This indeed is a momentous experiment. If it is successful it will shatter the belief increasingly popular in Asia that the Communists are the only champions of the welfare of the people and that rapid economic development can take place only within an authoritarian framework. Economic

* San Fernando Valley State College.

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One group of disputants, viewing competition as "an end in itself" and as the economic counterpart of political equality, take the Marshallian model of the perfect market for their ideal. Others, identifying *efficiency* as the ultimate goal of economic activity, adhere to a concept of imperfect or "workable" competition.

This theoretical conflict has recently focused on three major aspects of antitrust policy — the multi-faceted issue of size, growth, integration, and merger; exclusionary practices and unfair methods of competition such as tying contracts, exclusive dealing arrangements and price discrimination; enforcement practices. "Liberals" have urged the development of per se doctrines for defining and penalizing illegal activities in each of these areas. The "New Critics," or realists, prefer interpretive elaborations of the "rule of reason" within a framework of market behavior analysis. They would attempt in each case to measure the probable competitive effects of challenged practices on the industry or "line of commerce" as a whole.

Since the Eisenhower antitrust record reveals little that is startling in terms of the number of complaints filed, amount of funds available for prosecution and investigation, size of staff, or extent of consent decree activity, it might be more profitable to inspect the interpretation which both the antitrust Division and the FTC have made of their limited powers and resources within the three areas of controversy noted above.

In its prosecution of single firms under the Sherman Act and Section 3 of the Clayton Act, the Department has avoided commitment to the notion of "workable" or "imperfect" competition as its definitional framework. The more easily identifiable factors of size, intent, and market dominance have been stressed in an effort to elicit from the courts specific per se rules for the definition of illegal behavior; obligation to demonstrate by economic analysis the likely competitive effects of challenged practices has been denied wherever possible. On the other hand, the Department's Sherman Act conspiracy cases show greater willingness to employ market behavior analysis as a means of proving the requisite intent. In its anti-merger prosecutions under amended Section 7 the Administration has vacillated between these two orientations, veering first toward one, then the other, depending on the case at hand.

Conversely, the FTC has accepted the legal consequences of "workable competition" by revitalizing the "rule of reason" and has employed elaborate economic analysis as a basis for predicting the competitive consequences of current trade practices. One may well question, of course, the extent to

which an independent Commission such as the FTC reflects administration policy, even though a majority of its members are Eisenhower appointees.

Whether we accept equity or efficiency as the ultimate end, perfect or imperfect competition as the dominant test of antitrust policy, large concentrations of economic power remain a stubborn fact to be reckoned with. As political scientists, who have observed pervasive changes in and unexpected results from the operation of a "check and balance" theory within the structure of formal government, we should perhaps remain skeptical of its economic corollary — the concept of countervailing power as it may operate among large firms or between them and other foci of economic strength. Equally might we question token efforts to break up "Big Business" without monumentally expanding the resources of enforcement agencies and without more systematic attention to the long-range consequences of such a policy. Neither "Liberals" nor "New Critics" have given sufficient thought to the theoretical relationship between antitrust on the one hand and such fundamental concepts as contra-cyclical fiscal policy, the requirements of long-range economic growth, and the demands of self-government on the other. Perhaps no satisfactory shaping of antitrust policy will be possible until we can produce a more comprehensive theory of the role of government in modern society. As his contribution to resolving the antitrust dilemma, the political scientist might well turn his hand to such a task.

SOME POLITICAL AND ECONOMIC APPROACHES TO PEACEFUL DEVELOPMENT IN ASIA

KARL VON VORYS*

One of the most significant factors in international politics is that while the physical distance between the Western nations and Asia is constantly decreasing as the result of improved methods in communication and transportation, the economic distance as measured in comparative incomes and standards of living is steadily increasing. India and a group of other newly independent states following her example are determined to improve their standard of living through public planning. They are equally concerned, however, that public capital formation be financed through the voluntary investment in government bonds and the voluntary sacrifice of taxes approved by representative legislatures.

This indeed is a momentous experiment. If it is successful it will shatter the belief increasingly popular in Asia that the Communists are the only champions of the welfare of the people and that rapid economic development can take place only within an authoritarian framework. Economic

* San Fernando Valley State College.

growth is largely dependent on the success of political development. Public mobilization of private savings requires a certain measure of popular consent under any form of government. If the increase in the propensity to save and the willingness to invest this saving in public capital formation (taxes or government bonds) are to take place on a voluntary basis the individual must be committed to optimistic estimates about the future of the political community and must be able to identify himself with the existing political institutions.

The purpose of ideological incentives is to motivate in the population a feeling of belonging together and thus to provide for a personal involvement in the political community. One of the most striking features of Asia in general is heterogeneity. The term "political community" can be used to describe these new countries only in its loosest connotation. Thus it now becomes necessary as part of government policy and planning to create and then foster a common value structure of a modern nation state. Through the elevation of the goals of the political community in which all the electorate can share to the highest priority a national consciousness may be elicited. The cohesive force of national consciousness will in all likelihood increase the feeling of security, which in turn may motivate personal sacrifices for the *privilege* of being a citizen.

The importance of national consciousness is so paramount that even scarce public capital funds should be diverted to encourage its development. Some funds may be diverted to projects which would not directly increase industrial output, but which would symbolize national unity. Massive symbols of national consciousness may impress the impoverished visiting citizen from the country with a sense of pride and progress and may persuade him to be more patient toward the government's effort to improve his standard of living.

It might also be advantageous to apply some political criteria even to the industrial projects themselves. Steel mills, imposing dams, or vast power projects may provide a non-economic stimulus without which a program of industrialization cannot be sustained. Another point in this regard relates to the architectural style of government construction programs. Here again scarce public capital resources might militate for functional lines and maximum efficiency in the utilization of space. Still, the added investment required to provide housing projects for industrial workers which are somewhat more comfortable than absolutely necessary or to provide public buildings with national political and cultural symbols may be more than offset by long-range gains. Asians have very little resources to waste. Probably it is for this reason that while five year plans in Asia finally admit the relevance of political considerations the priorities of projects indicate the use of strictly economic criteria.

The government must convince the farmers and peasantry that their future is best served if they give up part of their farm surplus and invest it in industrial projects. The achievement of such a gigantic task depends on (a) strengthening local government; (b) increasing the role of local party organizations in national party policies and the selection of national candidates; and (c) enhancing the function of the national legislature in the decision-making process.

In most parts of Asia local government in a democratic sense never did exist. Some efforts to organize truly responsible local government have been undertaken, but the general tendency is still toward central control. This entire question is closely related to economic development. The theoretical arguments for industrialization may seem hazy and tenuous to the agricultural masses; but if public investment is dispersed widely over the countryside and local communities participate in the planning of local industrial projects, the probability that an agricultural population will become intellectually enmeshed with economic progress will be substantially improved.

As important as popular participation in local government and economic planning is a close contact between the electorate and the national party leadership. Opportunity to participate in the selection of the various party nominees as well as the discussion and formulation of party platforms in the villages would naturally be apt to identify the electorate with national objectives. With popular electoral support, the individual legislator would not only be more sensitive to popular desires, but he could also exert a far more forceful leadership.

The third aspect of the dynamic relations between government and the electorate is the role of the national legislature. A representative assembly with supreme law-making power and a share in national policy formulation is unusual in Asia's heritage. At the present time for all practical purposes the Civil Service controls most of the economic planning. The question arises, however, whether the civil servants aside from their qualifications in economics and public administration are, in fact, best suited for leadership in the broad process of economic development and nation-building. The image of these people in the public mind is closely associated with tax collection. They are commonly viewed as personal threats to property who should be outsmarted. As agents of a government power they are feared. They can compel performance, but they rarely inspire co-operation. Their record during the struggle for independence is resented, since they were frequently bulwarks of colonial power. Even more serious is the fact that the civil servants have no intellectual contact with the cultural pattern of their people. Some are foreigners, others were educated abroad. In spite of these handicaps civil servants in most of Asia are still loath to overcome their traditional distrust and dislike of politicians, and have refrained from shar-

ing the function of economic planning with the popularly elected legislators. If they fail in providing for real economic improvement, the Civil Service will undoubtedly be singled out as a scape-goat and be swept away by revolutions: if they are successful, by gradually and steadily improving the standard of living and increasing leisure time they will then find themselves in a bourgeois society with its fetish for representative government.

While some progress has been made to assure subtantial economic growth within a democratic framework, there is still much hesitation in utilizing political incentives fully. Hence the outcome of the experiment is still in doubt.

DEVELOPMENT AND TRENDS IN ATOMIC ENERGY POLICY FROM INDUSTRY'S VIEW

W. E. JOHNSON*

Today, nearly twenty-one years since the first laboratory experiments proved the fission process was possible, atomic energy is about to enter into society on a broad scale.

Four phases of national policy brought us to this stage: (1) keep the secret; (2) security through development; (3) development through cooperation; and (4) leadership through acceleration. These were indications of national attitudes, not partisan politics.

The first policy phase was prompted by our monopoly in atomic weapons, coupled with the emotional impact of their use. The Atomic Energy Act of 1946 implemented it by providing for complete government control and ownership of the atom. Somewhat paradoxically, it recognized the long-range peaceful potential of atomic energy. It included three aids to development: establishment of a civilian agency to control development, provision for industrial participation through contracts, and encouragement for exchange of technical information.

It also contained provisions which some in industry regard as mitigating against advancement: government ownership of fissionable materials and nuclear facilities, requirements for government approval of processes using by-products, restriction of domestic exchange of information, negation or restriction of private patent rights, and prohibition of international exchange of information.

An attempt was made to achieve ultimate control of atomic weapons through international agreement. After twenty-two months of negotiation, it was abandoned because of a hopeless deadlock on enforcement methods.

When Russia detonated an atomic bomb in 1949, our secret was out —

* Hanford Atomic Products Operation, General Elecctric Company.

and with it our policy. The second phase of American atomic policy began — "security through development." National security dictated continued government control, but increased weapons work brought more industry into the business. Plans for peaceful use of atomic energy grew, until the Korean conflict stifled efforts to modify the law.

In 1952, the Act was amended to improve the organizational efficiency of the Atomic Energy Commission. The following summer, congressional hearings were held on a Commission proposal to increase industrial participation. Congress was learning to live with the atom and with the idea of private atomic development. The President advocated greater co-operation between government and industry in the United States and between the United States and other nations.

Passage of the Atomic Energy Act of 1954 started the third phase of atomic policy — "development through co-operation." The new law, while continuing the emphasis on national security, recognized the need to hasten peacetime development. It did not shift responsibility to industry. It stressed that government and industry must work concurrently and co-operatively.

The Commission's first move under the new policy was initiation of a five-year reactor program to stimulate private interest and participation. Simultaneously, negotiations were started to establish an International Atomic Energy Agency. Two busy years for industry and government followed. The AEC formulated rules for industrial participation. The government entered into bilateral foreign agreements to permit exchange of information and sale of reactors and uranium. But snags developed, and 1956 became the year of disenchantment.

Too many things had not been done. We had not joined the International Atomic Energy Agency. Lack of liability insurance had discouraged private reactor construction. The second round of the Power Demonstration Program was limited to small-scale experimental power plants. Bilateral agreements did not yet permit sale of power reactors abroad.

In 1957, the government insurance-indemnification bill was passed, the United States joined the International Atomic Energy Agency, and a treaty was ratified between the United States and the six-nation Euratom organization.

The AEC and the Joint Committee attempted to establish new policy for the future, and finally late in 1958, the beginnings of policy emerged: we will accelerate atomic development. Exactly how the program will proceed is still undecided. But we have entered the fourth policy phase — "leadership through acceleration."

Three aspects of the present picture deserve comment: First, the patent problem still has not been resolved to the satisfaction of industry. Second, the problem of making atomic energy economically competitive with fossil

fuels will be partially solved by the increase in price of chemical fuels as they grow scarce. And third, radioisotopes, already widely used, must be viewed as a valuable by-product in considering the economics of atomic energy.

As to the future, private industry will move deeper and more broadly into atomic energy. The government will retain its control over the munitions arm of the industry, and will institute routine regulations to insure good safety practices.

There is nothing inherent in the nature of atomic energy that will require greater government control of the utility industry. However, the present temper of the Congress is such that atomic power plants will be built with government funds unless the utility industry can find some practical way of doing the job. If such plants are built by the government it will obviously extend the area of influence of the federal government in the utility industry. There is, of course, the possibility that this could start a trend which would be difficult to reverse.

THE PEACETIME DEVELOPMENT OF ATOMIC ENERGY

DELMAR M. MORRIS*

The policy of the United States with respect to the development of nuclear energy as stated in the Atomic Energy Act of 1956 is as follows:

> a. the development, use, and control of atomic energy shall be directed so as to make the maximum contribution to the general welfare, subject at all times to the paramount objective of making the maximum contribution to the common defense and security; and
>
> b. the development, use, and control of atomic energy shall be directed so as to promote world peace, improve the general welfare, increase the standard of living, and strengthen free competition in private enterprise.

Since man first proved in 1942 that nuclear energy could be obtained in a controlled manner, all sorts of possibilities have been advanced as to its practical applications. Its first major application, as fated by history, was as a weapon, although work with radioisotopes on a small scale had preceded this event.

This new force, measured in thousands, tens of thousands, and later in millions of tons TNT equivalent, has been made a vital part of the arsenal of the Free World. And because of the potential of nuclear energy for weapons use, it originally was placed by law completely under government control. More recently some restrictions have been removed: but now, only seventeen years since man first achieved a controlled nuclear reaction, the bulk of research, development, and application is being carried out under the Atomic Energy Commission program.

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* U.S. Atomic Energy Commission.

Most notable of the peacetime programs is the one directed at increasing our and the world's available power supply at prices competitive with fossil fuels. We hope that within five years we shall have developed and built reactors capable of producing power which will be competitive with conventional fuels in higher-cost European nations. In the United States we hope to reach a similar goal for some sections of the nation within ten years.

Growth of practical uses of new sources of energy is always slow. Nuclear energy, however, has sprung into being in many peacetime fields almost overnight. During the year ending June 30, 1959, $400,000,000 will have been committed by industry and the federal government for construction of civilian and military power and propulsion reactors, an increase of $100,000,000 over the previous year. Of this amount, industry's own expenditures are estimated to be about $70,000,000 for fabrication and construction of power reactors, compared with $40,000,000 for the preceding year. In addition, about $250,000,000 is for research and development for the year ending June 30, 1959.

During the past five years reactors have been constructed or construction started by the Commission alone, by the Commission in partnership with industry, and in a few instances by industry without direct Commission assistance. Reactors are performing in submarines, in various installations as experimental and prototype power machines, and soon will be in a ship.

The reactor development program is decided by the Commision, and involves what is popularly called "splitting the atom." Man has tamed this source of energy. His next problem is to make it competitive. But in another area we are conducting research to harness thermonuclear power, derived from fusion. There is promise of a solution, but it is considered to be many years in the future. Fuel for this process would come from deuterium, a form of water, and the source of supply would be virtually unlimited.

Radioisotopes comprise one of the most important of the atomic energy contributions to man's welfare. In another field — the use of nuclear explosives for excavation; heat and isotope production; and the fracturing of ores deep under the earth's surface — we are in the early applied research and demonstration phase. It appears that nuclear explosives may be used on large-scale projects for as little as 10 per cent of the cost of conventional explosives. The greater energy yield, in the range of one million tons, in a relatively small package, we hope, will open the way to resources that have remained untapped by man because of the cost of reaching them.

Presently the Commission is considering a small underground detonation in a salt formation in New Mexico to determine whether heat can be obtained successfully from such an explosion and to estimate the possibilities for producing isotopes. Also under review is a project to excavate the

mouth of a creek off northwestern Alaska so that an area suitable for a channel and harbor would be formed. We have also discussed with the oil and chemical industries their possible interest in an underground detonation in the Green River formation, an oil shale in Colorado, Utah, and Wyoming, which contains the equivalent of tens of billions of gallons of oil.

As in the development of any new industry, new problems arise. Most notable is radioactivity. This potential hazard has resulted in the Commission's adopting a licensing and inspection program to assure public health and safety. Upon the Commission's widespread research programs in the physical and life sciences, and its myriad projects in applied research in the chemical and metallurgical fields depend our basic progress.

The entire atomic energy program, including weapons development and production, costs slightly more than $2,000,000,000 a year to operate. About 6,000 AEC employees administer it. Industry, universities, and laboratories are carrying it out.

We should have economically competitive reactors operating within ten years to supplement the conventional fuels; radioisotopes should result in savings to industry of billions of dollars a year; many types of food should be sterilized by irradiation for long and safe keeping and shipment; and, perhaps in a decade, we shall be launched on a program to help reclaim deserts by using nuclear explosives to create aquifers and storage reservoirs and shall be performing large scale excavation jobs at a tenth of the cost of conventional explosives.

Most of the people of the world learned about atomic energy from a story of destruction. We hope our next generation will see its beneficial uses in many phases of daily life.

THE 1958 HATFIELD CAMPAIGN IN OREGON

TRAVIS CROSS*

This campaign started with these disadvantages for the Hatfield camp or advantages for the Holmes forces: the Democrats were occupying the governor's chair for the first time in 20 years, they held a 3-1 congressional seat majority, a 2-0 senatorial seat upper hand, a registration margin of more than 52,000, control of the House of Representatives and a 15-15 even split in the state Senate. Moreover, Governor Holmes had called a special session of the legislature to reduce taxes.

Secretary of State Mark Hatfield, a thirty-five-year-old political scientist, conducted a campaign that capitalized upon his ability to mix with people at all levels, a rare gift for public address, a handsome countenance, a story-

* Assistant to the Governor of Oregon.

book romance, a sound grounding both in book and practical government, and a knack for recognizing his opponent's tactical errors and moving into the void.

Tied somewhat to his desk and apparently reluctant to rub elbows with voters to the extent of his opponent, Governor Holmes conducted a platform and a mass media campaign. Secretary Hatfield had a thickly calloused right hand, evidence of the personal campaign he waged. Holmes's campaign workers were formed within the framework of the Democratic party organization plus organized labor leaders, especially COPE. Hatfield, carrying forward a nucleus established in 1956 when he was elected Secretary of State, built up a primary campaign crew apart from Republican officialdom. The two were fused for the general election.

In a sense, the groundwork was laid in the primary. Here, Hatfield opposed the sales tax, supposedly popular with Republican voters. He came out four-square against "right-to-work" proposals. Yet he garnered more votes than his two principal opponents — the State Treasurer and the Republican Senate leader — combined.

The key to the Hatfield campaign was the broad base of participation both in committee activity and in contributions. Faces new to politics, coming from Willamette University, church, or any one of a dozen nonpolitical contacts, swelled the Hatfield ranks. Moreover, the 1,661 contributors in the general election accounted for a campaign surplus of several thousand dollars which is a rare situation indeed.

"Right-to-work" did not become an issue in Oregon because Hatfield's labor voting record was favorably rated by labor. Nor did the public power *vs.* private power oratory pump up much verbiage in 1958 because Hatfield publicly favored the regional power corporation. In these and many other instances, Hatfield either had a three-session legislative voting record to point to or public expressions which gave Democrats little opportunity to hang "conservative" or "big business" labels upon him.

The attempt of the Democrats to use the national economic recession as a reason for maintaining the incumbent Governor was successfully countered by Hatfield's contention that new jobs, industrial development, and overhaul of the tax structure were foremost needs in Oregon.

To the incumbent's credit, and perhaps contributing to his downfall, he accepted mutual invitations to share the campaign platform. He did not follow the usual practice of omitting his opponent's name, but rather dwelled upon it and frequently referred to "this young man who wants my job." Moreover, his campaign colleagues used Hatfield's name almost more than they did their candidate's and, indeed, songsters parodied the challenger throughout the state, much to his backers' delight. In joint appearances the incumbent offered the challenger several "golden" opportunities

through unintended references which were quickly picked up either in debate or subsequent addresses on another platform.

Two last-minute incidents contributed to the margin of victory but were not determining factors. Multnomah County residents, who account for more than 33 per cent of the vote in the state, received boosted property tax bills shortly before election day, and United States Senator Wayne Morse chose Thursday night before Tuesday balloting to unleash an accusation that Hatfield had lied before a jury eighteen years previously in a civil suit for damages following a fatal automobile accident. In both cases the public was incensed. In the former instance, the action of the Multnomah County Tax Assessor played right into the hands of the Hatfield camp which had been pleading for economy in government; and in the latter instance, a retired chief justice of the Oregon Supreme Court who sat on the review of the Hatfield trial denied there were implications of falsehood. The public reacted that Morse's action was a "low blow" and his efforts no doubt resulted in a bigger margin for Hatfield than might otherwise have been established. Conversely, his campaigning for Holmes had done some good for the Democratic ticket, not all of which was undone by his last-minute and controversial contribution.

The Hatfield campaign in the primary took the form of a board of directors' meeting with the candidate presiding over sessions of ten to twelve counselors representing key areas. In the fall campaign, the candidate would consult with advisers on an individual basis, maintaining decision control himself through a campaign co-ordinator. Active committees were established in each county. The greatest number on payroll at one time were four — a woman office manager in the state-wide office, an office manager in the Multnomah County office, a publicist who doubled as driver for seven weeks, and a campaign co-ordinator who worked with thirty-five of the thirty-six counties leaving Multnomah to a special steering committee and co-chairmen who took time from their businesses to conduct the campaign. An excellent advertising agency, handling its first major campaign, participated in many of the planning sessions and was "asked" for ideas as well as "told" to execute.

Hatfield carried thirty-one of Oregon's thirty-six counties, including heavily Democratic Multnomah. The counties he lost furnished no Republican representatives or senators to the state legislature. His margin was 64,000 and his percentage was almost exactly what a private poll four months earlier had indicated it would be.

Oregon entered its centennial year of statehood with the youngest elected governor in its history. It has as its chief executive a practicing political scientist with a background of classroom, legislature, second echelon state administration. Beyond sound paper qualifications he lends a glamour of

youth, looks, oratory, honeymoon, expectant fatherhood, religious conservatism, political liberalism. But perhaps his greatest asset for the purposes of this presentation is an intangible, undescribable ability to be at equal ease on a green chain or at a tea party, in a labor temple or a bank lobby.

THE 1958 KNOWLAND CAMPAIGN IN CALIFORNIA — DESIGN FOR DEFEAT

HOUSTON I. FLOURNOY*

Prior to 1957 it could have been generally assumed that the political "facts of life" for state-wide Republican candidates in California were clear and understandable. Without question, the Republican party was the minority party — the Democrats led by about a million voters in the registration totals. Equally clear was the fact that Republican candidates had been able to accumulate a string of electoral successes by the development of broad support in the ideological middle of the electorate, including, obviously, many nominal Democrats. Ordinarily opposed by a Democratic party rent with factionalism and internal dissension, and occasionally benefiting from the peculiar advantages enjoyed by the incumbent under the cross-filing system, the Republicans had been spectacularly successful in keeping control of the state despite their minority position.

Yet in 1958 Senator Knowland not only split the minority Republican party into bitter factions, but also stimulated Democratic unity, insured the total opposition of organized labor, and either discarded any appeal to the broad middle of the electorate or fantastically miscalculated his appeal. This combination of factors, plus his inept and ineffective campaign organization, the presence on the ballot of an initiative proposition which proposed to tax private and parochial schools, and the incredible indiscretions of his wife, led inevitably to his defeat by Pat Brown.

Ignoring the predicted "disaster" which would follow a primary fight within the party over the nomination for governor, Knowland held fast to the view that a party primary fight was "not damaging or detrimental to the party," and injected himself into the running. His announcement came during an extensive stumping tour which took him into virtually every inhabited area of the state, and during which he hammered home his commitment to the issue of "union democracy" and his affinity for the "right-to-work" proposal.

Although "right-to-work" assisted Knowland within the Republican party against Knight, it also galvanized the labor unions into united action throughout the state against Knowland's candidacy, siphoned off financial

* Pomona College.

support to the campaign behind the "right-to-work" proposition, and enticed a previously reluctant Pat Brown, the Democrat's best vote-getter, to throw in his hat as the Democratic party's sole candidate for the gubernatorial nomination. Thus, by November, 1957, the G.O.P. was badly split, organized labor was pledging undying opposition to Senator Knowland and the "right-to-work," and the Democratic party was united behind Pat Brown for governor.

When Governor Knight withdrew to run for the G.O.P. Senate nomination, the primary fight between Knowland and Knight was averted, but the ire of announced senatorial candidate George Christopher was provoked, and Knight's opposition to the "right-to-work" proposal and his bitterness towards Senator Knowland were undiminished. At virtually the same time, senatorial duties put an end to Knowland's primary campaign. In his absence, his organization was inept and inefficient, distributing "virtually nothing for public consumption . . . except appeals for funds." With Pat Brown assiduously campaigning the countryside, devoting himself to issues and problems facing the state, the Knowland primary campaign ignored all state problems with the single exception of labor.

Brown won the primary by a landslide — a 600,000 plurality in the total votes of both parties. It was too late for Knowland to recoup lost ground, and the subsequent campaign only aggravated matters.

Apparently invigorated by her pre-primary campaign activities, Mrs. Knowland remained active. Her foolish distribution of the pamphlet "Meet the Man Who Plans to Rule America" — the notorious Joseph P. Kamp's vitriolic attack upon Walter Reuther — only alienated support. A storm of protest ensued, with charges of utilizing "class-hate mongers" and "poison-pen peddlers" from Pat Brown, and urgent disavowals from G.O.P. National Committee Chairman Alcorn, Vice-President Nixon, and other prominent Republicans. Undismayed, Mrs. Knowland accentuated the party split in the closing days of the campaign. She charged that Governor Knight had a "macaroni spine," and sounded the familiar theme that her husband had sought the nomination to keep California from becoming another "satellite of Walter Reuther's labor-political empire."

Throughout, the Democratic campaign was unified. Labor-supported registration drives had increased the Democratic advantage. Brown's organization was smooth and effective as he ran the good campaign of the front-runner; he was amiable, genial, and generally noncommittal, yet he proposed plans for the state's problems — even a 10-point proposal for labor union reform.

The result was preordained. Ignoring the political "facts of life" in California, Knowland had seized an issue which, despite his hopes, was attractive only to the hard-core conservatives of the minority Republican party, and rode it down to colossal defeat.

SOCIAL AND ECONOMIC REBIRTH IN FRANCE?

VAL R. LORWIN*

Before we inquire about rebirth, we should ask what died with the Fourth Republic. Constitutional and political issues I leave, by agreement, to Mr. Noonan; I shall discuss social and economic problems, to the extent that they may be separated from the political.

It was not social tension or economic frustration which caused the Fourth Republic to falter and to go down. The coup d'état of May thirteenth was political and colonial in its causes as well as its clamor. The revolution of 1958 was in the line of 1830 and 1870, rather than one with 1789 or 1848.

Economic and social renovation alone do not solve problems of political structure and political mores. The French economy had been in the process of renewal for a decade, following a speedy reconstruction immediately after the war. France had "turned its back on decadence" and in the 1950's made its most sustained economic advance of a century. From 1952 to 1958, industrial production increased 55 per cent, more than in any other industrial country, including West Germany. This economic advance was rather overlooked by most Frenchmen and most foreign observers in the concentration on rising prices and falling cabinets.

Social problems were far from automatically solved by economic growth. High output was achieved despite poor labor relations and the lack of social consensus. But beneath the cake of social custom there was a stirring, and there were changes in the style of living among many people.

French economic expansion in the last decade had touched not only the old industries but the new, not only the capital goods industries but long-neglected durable consumer goods. Frenchmen have become the most highly motorized European nation. Cars and washing machines and refrigerators have given a new mobility to Frenchmen and new possibilities of emancipation to women of modest-income families. Least successfully of all consumer needs, but noticeably, even housing began finally to catch up with pent-up wants. The "Americanization" of life which Ernest Renan was already predicting with dread in the 1870's seemed to be finally overtaking French families whose style of living had been walled in by the partitions of social class.

With industrial growth, and with a belated but phenomenal mechanization of agriculture, the balance of population was shifting to the big cities and industrial complexes. Meanwhile population was growing rapidly, as the birth rate, subject of century-long concern, suddenly mounted and remained high for a decade-and-a-half.

People's attitudes toward their society and its politics have not yet had

* University of Oregon.

time to reflect the changes in the economy, in the age pyramid, or in the structure of occupations and the rural-urban-suburban balance. But these changes of themselves do not solve political problems, any more than the millions of *beaux bébés* themselves renovate politics. They may even create more tensions in the short run — some salutary tensions, some hurtful tensions. Large baby crops add strains to government social budgets, to a creaking school system, to family life in overcrowded housing. Efforts at economic modernization and fiscal modernization helped to precipitate Poujadism, which may be dissipated as a political party but persists as a state of mind.

De Gaulle shows greater awareness of the economic underpinnings of the political order and of national grandeur than he did before his twelve years of meditation at Colombey-les-Deux-Eglises. And he has eschewed the vague phraseology of "association" and the "abolition of the class struggle" which ten years ago sounded to many like the echoes of Vichy corporatism. Despite his distaste for European integration, he has honored his predecessors' commitments to the bold idea of the European Common Market and to the lowering of quotas on OEEC imports.

In domestic economic policy, the *severity* of the first De Gaulle measures of "verity and severity" fell chiefly on low-income families: an unfortunate start. The *verity* failed to tell how much of the long-overdue financial bill now being presented to France by a courageous government was to pay for the Algerian War and for France's (or De Gaulle's) ambitions to have atomic weapons.

Here is where De Gaulle's sense of economic realities seems to desert him. He has boldly promised Algeria and Black Africa vast sums in continuing economic and social investment. But meanwhile France fights a war in Algeria taking more than half a million soldiers and well over a billion dollars a year. The crucial economic issues come back to the non-economic: colonial policies and war and the international figure which France means to cut.

FRENCH POLITICS TODAY: REBIRTH OR DEVALUATION?

LOWELL G. NOONAN*

Jacques Bainville observed that the Constitution of the Third Republic appeared too authoritarian to the liberal, and too liberal to the authoritarian. Present controversy relative to the degree of coerciveness of the constitution of the Fifth Republic has not precluded agreement among liberals and authoritarians alike that this constitution hardly qualifies as an example of superb political craftsmanship. Reflecting the fact that it was made for one

* University of Southern California.

man, many of its aspects are meaningful only if they are identified with President de Gaulle.

Scrutin de'arrondissement demonstrated its "republican virtue" in the national elections of 1889, helping to defeat many of the Boulangist candidates for seats in the Chamber of Deputies. Employment of the same method of election contributed to the return of a rightist majority to the National Assembly in 1958. The largest party in the new legislature, the Union of the New Republic (*U.N.R.*), harbors many tendencies, its major electoral plank having consisted primarily of fidelity to General de Gaulle. Its announced objectives are to restore "the spiritual, intellectual and moral values . . . of our country," to serve as the bond between right and left, to destroy Communist representation on the national and municipal levels and to maintain "French Algeria." Nationalism and repetitious references to de Gaulle appear to serve as its common bonds; nevertheless, its nationalism seems to differ considerably from the classical nineteenth-century nationalism of many of the "Independents."

If the newly restricted status of French parliamentarianism is more in keeping with the "real France," constituting a more precise adjustment to the exigencies of French political life, there is already evidence that the dull legislative mass of today is seeking to react against its minimal status. Some deputies are attempting to equip the National Assembly with new prerogatives, ones that would allow it to exercise some measure of control over the activities of the Debré government. Other deputies seek to resist the acquisition of such prerogatives — looking to the General for leadership and determination of policy, they accept Debré as being merely de Gaulle's executant. There are yet other deputies who support the present concentration of authority in the hands of President de Gaulle because they view him as being less of a Gaullist than many of the deputies who speak in his name. Finally, they contend that an increase in parliamentary authority, at the expense of de Gaulle's authority, may lead to an alternative which may prove to be the military. Observors have compared this situation to that which existed under the Charter of 1814, when in the Chamber moderates supported a moderate monarch as a means of protection against an immoderate majority. If French legislative assemblies of the Third and Fourth Republics tended to acquire their real form some years after they were elected — demonstrating that elections are one thing and politics yet another thing — it remains to be seen if this legislature will subsequently assume a form different from the one which it presently displays.

France must terminate the war in Algeria if political and economic stability are to come to the Fifth Republic. This could probably be achieved by the following: (1) the unlikely waging of a ruthless war of extermination; (2) the unlikely resort to unconditional withdrawal from Algeria; (3) the

promulgation of a cease-fire preparatory to entering into negotiations with the leaders of the *F.L.N.* Under present conditions, each additional day of war drives Algeria farther away from the French family, increasing French indebtedness and stimulating the domestic inflation that contributed to the collapse of the Fourth Republic and which continues to imperil the national economic structure of its successor. Nevertheless, the final decision in the Algerian affair may prove to be not of France's making, for she appears to have settled into a stupor of waiting, unable to resort to alternative courses of strategy calculated to maintain her presence in that part of the world. The fate of the Fifth Republic, like that of the Fourth Republic, may be decided on the other side of the Mediterranean.

THE SUPREME COURT ADDS A FOOTNOTE TO SOVEREIGNTY

CLAY P. MALICK*

The purpose of this paper is to report on what may result in a significant change in court interpretations of the position, under the law and the Constitution, of private associations. I am not quite certain as to what this implies, but will suggest a theory, since American judges are not inclined to do so.

There was a time prior, roughly, to 1944 when the position of private associations, like political parties and trade-unions, was quite stable and understood. They were private and hence incapable of violating more than the laws of the country. Only a governmental agency was public — which meant that only an agency of the government or a state could violate a provision of the constitution. This was made clear in a long line of cases from the early Civil Rights cases in mid-nineteenth century down to *Shelley* vs. *Kraemer* in 1948.

Then came a change, but the state courts and the Supreme Court of the United States have all seemed to ignore the basic problem of the changed status of what were originally private associations. This came to the attention of the United States Supreme Court (a) when it was discovered that political parties were violating the rights of Negroes in elections and primaries and (b) when the unions were practicing economic discrimination against the Negroes, in many respects, connected with the process of collective bargaining.

The courts began to talk about the political parties' capacity to exercise quasi-legislative power. The same expression, and many others similar to it, were used to refer to union power. The new tendencies in the state supreme

* University of Colorado.

courts seemed to infer that the United States Supreme Court's decisions in the cases of *NLRB* vs. *Jones and Laughlin Co.*, the *J. I. Case Co.* vs. *NLRB* and *Smith* vs. *Allwright* has set forth a new public policy which all courts had to follow.

The upshot of all this is a series of decisions in state courts which culminated in a decision of the Kansas Supreme Court that the union was committing acts which are "in violation of the [due process clause of the] Fifth Amendment," and that to say that membership in the union is purely voluntary is "specious and unrealistic."

Later the U.S. Supreme Court dealt with two cases in which its language follows much the same pattern: it dealt with union violation of civil rights in *Brotherhood of Railway Trainmen* vs. *Howard* and again with political parties in *Terry* vs. *Adams*. In the latter case the action was against a group of self-appointed white people in Texas, known as the Jaybird Political Association, in which the Circuit Court of Appeals held that the association could not be prosecuted for violating the Fifteenth Amendment because it is a private association, not the state. The Supreme Court reversed on the ground that the state of Texas permits the association to discriminate in its pre-primary. This was done over the dissent of Justice Minton who referred again to the private character of the association's activities. These activities were "merely private conduct, however wrongful," said Justice Minton.

This whole problem reminds this writer of the dismay of German judges when they first came upon collective agreements during the period of the Weimar Republic. They looked upon the agreements as contracts (a matter of private law) and yet they were legislative in form (a matter of public law).

Since the courts have refused to commit themselves on the quasi-public agencies, perhaps a suggestion has already been made on this by Otto Gierke when he said, "The doctrine of the state that was reared upon the classical ground-work had nothing to say of groups that mediated between the state and the individual . . . the sovereign state and the sovereign individual contended over the delimitation of the provinces assigned to them by natural law, and in the course of the struggle all intermediate groups were first degraded into the position of the more or less arbitrarily fashioned creatures of mere positive law, and in the end were obliterated."

What seems to be going on right now seems analogous to the early Nineteenth Century when the Supreme Court gave up the idea of declaring certain legislation contrary to natural law. The trend then came to be a declaration of unconstitutionality in more specific terms such as due process, freedom of contract, government taxation for a private purpose, and eventually the inadequacy of a fair trial.

THE PROBLEMS OF PROJECT DESIGN FOR THE STUDY OF METRO-GOVERNMENT MOVEMENTS

LYMAN A. GLENNY*

The first question which is likely to occur to any group contemplating a study of metropolitan governmental reform is: What conditions and events led to the decisions to attempt to change the governmental forms in the metropolitan area? The social scientist would immediately respond: Prepare a full and accurate description of the major political, social, and economic characteristics of the area, including the history of the movements attempting reform.

While this solution appears sound, the question still remains largely unanswered for the research team. How deeply should the political, social and economic factors be probed? The possibilities are almost limitless. Yet decisions must be made on the degree of emphasis to be placed on each of these research avenues and the total amount of effort needed to provide background descriptions as against the central problem for research, i.e., identifying and interpreting the *actions* for reorganization.

Once the limits of the descriptive aspects of the study have been set, the research group can turn to what ought to be studied for best "capturing" the influences and actions for reorganization. At least three classifications of groups can be identified in these movements, any one of which could provide the basis for the study.

There is, first, the special interest groups such as real estate developers, merchants, and newspaper owners, which appear to have the most to gain from a consolidated government. Secondly, there are the civic clubs and committees interested in good government. While they seldom initiate plans, their influence may be decisive in tipping the scales for or against particular proposals. Such groups would include the League of Women Voters, improvement clubs, citizen planning committees, tax study groups, and social service clubs.

The third type contains the activists themselves. Each of the several movements for city-county consolidation, annexation, and incorporation has produced committees working both for and against the proposal.

The interrelationships among these three types of groups are probably many and varied, and individuals may not be easily separated from their special interests in one group and their action in another. The really thorough research efforts would produce depth studies of the appropriate organizations in each of these types, also their interrelationships and overlap in membership. To understand better the reasons for failure or success of a reform movement, it might be far more advantageous to study interest

* Sacramento State College.

groups and good government groups as they acted upon each reform effort rather than activists themselves. Yet the leadership and energy put in by the activists certainly have a bearing on success or failure. Where then should the research emphasis go?

After decisions on the amount of background material necessary for the study and the main focus of the study itself have been decided upon, problems of research methods immediately arise. A decision to use a cross-disciplinary approach to the project tends to complicate decisions on method. At least three alternatives are available in interdisciplinary projects. First, the research may be divided among the disciplines so that each person prepares a paper looking at all the events to be studied from the viewpoint of his particular field. Second, each discipline could contribute a section of the study of each of the movements. Third, each person regardless of discipline could take one or more of the movements or types of movements and describe as best he could all the political, social, and economic elements.

If either of the two alternatives using the movements themselves as the basis of research is decided upon, a further problem in method and in subject matter emphasis presents itself. That is, to what extent should theory on social movements be used as a framework for research and analysis? Or, are there other theoretical frameworks which might provide organization and direction of the research?

Identifying the various persons supporting or opposing a particular movement or even those associated with interest groups is easily done. However, the researchers must decide on who shall be interviewed as well as the instruments to be used to measure opinions and motives. Some types of questionnaires lend themselves to quantitative analysis, and in the research being considered, quantitative measurements may be desirable.

The commitment of the Sacramento group to the personal interview as the major source of information and also their hope to identify as much personal and group motivation as possible brought them to the question of who was to do the interviewing. A thorough study of causation in the individual calls for a psychologist to interview intensively the person in question. A first-class study of this kind would be very expensive and time-consuming. But if the decision is against this method then what aspects of motivation can reasonably be discerned? What degree of awareness by interviewers is needed to achieve the minimum desired? Can graduate students be used?

A final problem confronts the research team when it tries to evaluate the findings of the whole research effort. How is success or failure of governmental reform to be determined? The answer to this question could influence the earlier decisions on what existing conditions ought to be described and what it is that the study is to capture and record. In Sacra-

mento two alternatives were discussed. A common method of making evaluations is to compare the existing structure with a theoretical model. But what model is to be used? What is ideal in metropolitan government? An alternative method of evaluation would rate the success of each major reform movement in achieving its own objectives. This can easily be done for the objectives which have been publicly stated but not so easily for the ends desired by interest groups and private goals of the leaders involved.

CASE STUDIES OF METROPOLITAN ACTION PROGRAMS

York Willbern*

In recent years there have been two very vital and active types of research in local government in this country. First, there have been many studies, focused on specific urban areas, attempting to evaluate the adequacy of the governmental structure with regard to the needs of rapidly changing metropolitan areas. The necessity to adapt governmental institutions to growing cities is an old one, of course, but the tremendously accelerated pace of urban growth and dispersal brought on by the automobile age has produced such disparities between the sizes, powers, and resources of governmental units, on the one hand, and the public needs of the population on the other, that dozens and dozens of urban communities, large and medium-sized, have undertaken surveys to try to seek paths out of the confusion.

A second type of local government research, probably involving less man power and expenditures by a considerable margin, but enlisting the interest and concern of a sophisticated and able body of researchers, has been the study of the decision-making process in local government, or the "power structure" of communities. In some instances the researchers, like Floyd Hunter in his *Community Power Structure*, attempt to identify the central decision-makers for the whole community. Others, doubting the existence of a single power elite, try to discover the particular elites involved in particular sets of functional decisions. Others try to identify the groups-in-interest, their characteristics and modes of operation. Still others prefer to approach the problem by case studies in depth of specific decisions or series of decisions.

People at several different institutions are now engaged in an effort to combine certain aspects of these two major types of local government research. We propose to make studies of selected metropolitan communities which are in process of arriving at decisions changing or refusing to change

* Indiana University.

their governmental structure, or basic functional patterns, to accommodate the real or imagined needs brought on by the current rapid shifts in the character of our urban environments. This involves a group of case studies of metropolitan action programs. We plan to study six or eight substantial urban areas where significant portions of the influential citizens are concerning themselves with what might be called basic or constitutional decisions — decisions about major changes in governmental units or in jurisdictional boundaries or in the allocation of governmental power to handle metropolitan problems, or perhaps, decisions involving embarkation upon major new functional activities aimed at remedying the current metropolitan ailments. In Miami, for example, where one of these studies is under way, the community has for several years been involved in a major constitutional decision involving the creation of a new frame of government. In other cities, such as St. Louis, major surveys of metropolitan problems have produced recommendations which are now being publicly agitated and which will presumably be decided in the near future. Since a "metropolitan survey" is often a part of this decisional process, in some measure these case studies will constitute studies of the surveys themselves — the forces which initiated and guided them, and the response of the community to them. In one or two of these case studies which we are undertaking, the decisions to be studied may relate not to any single major constitutional change, but rather to a series of decisions about shifts of function from one level or unit to another — the kind of constitutional decision which is made slowly, piece by piece.

The special factors involved in these constitutional decisions—the necessity for the involvement of the electorate, the importance and significance of symbols, the relationships with state decision-makers, and the role of the mass information channels, are anticipated and recognized by the leaders in more or less measure. These facts condition the emergence of a particular leadership, its behavior patterns and tactics, and the interaction of individuals and small groups within the leadership.

Since the adaptation of local governmental structure to the rapid and tremendously significant changes in the patterns of our urban life must rank very high in the priorities of students and practitioners of government, at least on the domestic scene, and since the characteristics of the political behavior involved in making community decisions about metropolitan governmental structure and function are so complex and so rich, we have high hopes of learning things of interest and significance through these studies. We must recognize, however, the great difficulties involved in attacking the study of so complex a subject matter, and ask for all the help we can get in the suggestion of hypotheses and methods of approach.

PROFESSORS IN POLITICS: A HALF CENTURY OF PARTICIPATION

Ross R. Rice*

The idea of practical participation in politics is now a half-century old among professors of political science. The entrance of Charles E. Merriam into Chicago municipal politics in the first decade of the century signaled the opening of a revolution in the study of politics by the new behaviorists who were displaying their dissatisfaction with the traditional historical, juridical, and institutional method. New role-techniques were being worked out around the focus of realism: observer, participant-observer, participant. The last of these roles saw the professor of politics sometimes involving himself in local party organizations as precinct committeeman, member of advisory councils, and delegate to party conventions. Many from our numbers have engaged in the nonpartisan political activity of interest groups, avoiding the repercussions that frequently follow professorial participation in the parties. Appointive roles in national, state, and local government have at times come to members of the profession in the form of advisory and consultative service to executive and top-level policy-makers. Two early members of the profession who successfully won elective office were Woodrow Wilson and Charles Merriam, some fifty years ago. Today our professors range from nonpartisan city councils through the Congress of the United States, where Hubert Humphrey sits in the Senate and John Brademas in the House of Representatives.

The values of participation for the professor of politics may be surveyed from the viewpoints of his institution, his students, the public bodies where he is active, as well as from his professional perspective.

One of the first-offered justifications for professors entering politics was that the professor would have the opportunity to test his theories against the realities of practical politics. The dearth of reports from professors who have had practical experience would indicate that this value has not been such as to bear out the original declaration favoring such activity, but the by-products of such participation may be greater than the originally stated purpose. Among these by-products is the acquisition of a "feeling of power" not realizable by vicarious means, or from participation in the largely semantical discussions in university faculty senates and committees. The professor may make contacts through political activity valuable to himself and his students in their future research. Practical politics has proved of some value in establishing a better rapport between the eggheads, the practicing politi-

* Arizona State University.

cians, and the public. The professor's intellectual background may give him an advantage in name-calling over his more-unlettered political opponents.

The improvement of town and gown relations may be a possible result from participation by the professor in municipal politics. Another gain that may result for the professor's home institution is the public relations effect emanating from the professor's successfully moving in influential circles away from the red brick walls and ivy of his campus.

From the viewpoint of our students the values of professorial participation are several. Dealing almost daily with the wide range of human types found in party organizations and legislative bodies, the professor is almost forced to retain the habit of everyday speech, avoiding the classroom habit of lapsing into pseudoscientific gobbledegook which results from our increasing specialization. From his experience in the "real world of politics" the teacher may glean anecdotal material which may liven up many an otherwise dull moment in the undergraduate classroom, or provide a trenchant observation in the graduate seminar. An occasional glimmer of humor may begin to appear in lectures, and the professor with practical experience may appear to have just a little more authority in his voice in his classroom appearances.

Through personal experience in politics the professor reaches a larger audience than through the classroom or professional meetings of our associations, with the possibility of immediate practical effect if the professor's ideas are accepted as bases for political action.

What of disadvantages and pitfalls for the professor who embarks into the realm of practice? Just as members of the profession have studied personality types in politics, so are the personality traits of the would-be-professor-in-politics a matter for self-analysis before the plunge is made. The professor may be snubbed if he attempts to start at the top in party politics, but welcomed if he indicates a willingness to begin with precinct work. If he seeks elective office, he risks loss in his first attempts and wears no cloak of professorial immunity from campaign smears. He must consider whether or not he becomes more marketable within the profession by engaging in practical politics or by conserving his time and energy for research more likely to result in publication of monographs and articles. Another disadvantage lies in the possible conflict of his ethical beliefs with the necessity for compromise implicit in real politics. Finally, the professor may become so engrossed in passing events that he forgets that he originally entered the drama of politics to play a role as a student of the political process.

The professor must decide in the milieu of his own local situation whether he will clear with his university administration before entering the political lists. His institution faces the possibility of becoming the target of

attack emanating from the political enemies the professor may make. There is also the possibility of a conflict of interest arising between the professor's loyalty to his institution and his allegiance to the party organization or political body of which he has become a part.

A final caveat issued by writers like Beard and Laski against newer types of political investigation deserves mention. Has the "lonely thinker" added more to the storehouse of political knowledge than the professor turned practitioner?

BOOK REVIEWS

E. L. Godkin and American Foreign Policy 1865–1900. By WILLIAM M. ARMSTRONG. (New York: Bookman Associates. 1957. Pp. 268. $5.00.)

The attitude of E. L. Godkin toward American foreign policy between 1865 and 1900 is the subject of this entertaining and enlightening volume. Godkin, whose editorship of the *Nation* and the *Evening Post* spanned a third of a century, was indeed a colorful and stimulating figure. In presenting Godkin's controversial and often contradictory views, however, the author reveals almost as much of himself as he does of Godkin.

This reviewer could not escape the conclusion that Armstrong failed to appreciate Godkin's true role and importance. The author does his subject a disservice by claiming that Godkin's influence "lies chiefly in the considerable extent to which as an editor he helped to mold the political opinions of his generation." Nor does it appear from what evidence Armstrong has drawn from the field of foreign policy, that Godkin's "influence was broad . . . and has been a continuing one."

A far more accurate view of Godkin's role in the American literary field is provided by one of his own statements which Armstrong quotes. "The principal functions of the press under a popular government are two in number — the supply of news and the criticism of the government. Not the 'he-has-made-mistakes-as-who-has-not' style of criticism, but the incessant, vigilant, remorseless turning over, day by day, of the acts of men in power, with a view to calling the attention of the public to all sins of negligence or ignorance, or intention, which anybody entrusted with authority may have committed or may be proposing to commit. . . ."

That Godkin faithfully followed this prescription — even to the point of sometimes reversing his own position — Armstrong reveals in great detail. From his criticism of the manner in which the United States handled the French intervention in Mexico, through the Alabama controversy, United States reaction to the Virginia and Baltimore incidents, and Cleveland's treatment of Venezuela's boundary dispute with England, Godkin assumed a critical and usually unpopular position. His advice was seldom followed, although events often led to a conclusion not inconsistent with his views. Even then, however, he was more likely than not to continue criticizing the manner in which the conclusion was reached.

Armstrong has provided some valuable corrections to generalizations concerning Godkin's life and views which have appeared in earlier treatises on the subject. But, above all, his presentation of Godkin's approach to foreign policy constitutes a much needed reminder that political controversy need not "stop at the water's edge." Certainly Americans could use a few Godkins scattered about among our present-day proponents of "bipartisanship" in foreign policy.

ROSS Y. KOEN.

Humboldt State College.

British Parliamentary Democracy. By SYDNEY D. BAILEY. (Boston: Houghton Mifflin Company. 1958. Pp. xi, 281, $2.75.)

Sydney D. Bailey's compact paper-bound and deceptively modest little volume, *British Parliamentary Democracy*, is a very welcome and refreshing treatment of British government. The author brings to paper his experience as a former secretary of the Hansard Society and former editor of *Parliamentary Affairs*. The mission which is undertaken is much broader than the traditional exploration of the organization and function of contemporary parliamentary democracy in Britain. However, the size of the volume as well as the title, and perhaps the experience of the author, compel a focus on the unique history and role of Parliament. It is from this center that the various chapters emerge as radii to touch the whole perimeter of the governing complex. This, therefore, is more than a two-dimension, present-day treatment of Parliament. It is an examination with perspective and depth that is both compact and pertinent.

Historical background is introduced expertly and effectively, and the text is embroidered with interesting and frequently intriguing illustrative material. The author has drawn on an impressive literature to make his points and to clarify much for the reader, especially for the American reader for whom the book is primarily written. Although comparisons to American institutions are rarely used, there is no doubt that the book is aimed at the American and not the British market. American spelling is used throughout the book (e.g., "Labor" rather than "Labour Party"), and currency denominations are converted from pounds to dollars at the rate of £1 = $2.80.

Of more importance to the American reader is the insight which is given to the curious circumstances that suggest that the possession of plenary political power enjoyed by Parliament is not an evil nor devilishly contrived thing —nor that the lack of judicial review by a supreme oracle seriously endangers the liberties of the people.

Mr. Bailey states in his preface that during the past century the system of parliamentary government has fused with the democratic idea. The chapters which follow give a well-written scholarly demonstration of the extent of that fusion which has occurred to date, with appropriate explanation of how it has come to pass. The presentation should command the interest of the student of comparative government as well as a broad segment of the general public. The book will be found very useful indeed in comparative government courses in American colleges and universities.

DON B. LEIFFER.

San Diego State College.

The Theory of Committees and Elections. By DUNCAN BLACK (Cambridge: Cambridge University Press. 1958. Pp. xiii, 242. $5.50.)

Responsiveness is one criterion of the adequacy of democratic government. How accurately do governmental decisions reflect the corporate opinion of those who share in making the decisions? Can methods of voting be sharpened so that governmental responses will more precisely correspond to the desires of those who vote?

Duncan Black, professor of economics at the University College of North Wales, has devoted his attention to a mathematical theory for evaluating the processes by which any "committee" (persons arriving at a group decision by voting on alternative candidates or propositions) determines its preferences. Black's thesis presupposes that it is possible for a voter to "schedule" his preferences (i.e., list available alternatives in the order in which he would prefer them), and that election systems should be devised which would result in the maximum of concurrence in the outcome. In doing so, he follows the trail blazed in the eighteenth and nineteenth centuries by Borda, Condorcet, Laplace, E. J. Ninson, Francis Galton and Charles L. Dodgson (Lewis Carroll).

Although the mathematical formulations he utilizes appear to be theoretically reliable, their value is limited. In practice, voters at the polls and legislators or administrators at work rarely have the breadth of understanding required to schedule their preferences with accuracy. Instead, our systems have been devised to simplify the making of elections. These systems are generally designed to require only "yes–no" decisions.

Inevitably, the results of these simple decisions are inaccurate. William H. Riker's analysis of congressional rules for voting on amendments (June 1958, *American Political Science Review*) demonstrates this fact. So, too, do the publications of the advocates of proportional representation.

But the inaccuracies of our decisions reflect both our inability to cope with an infinitude of variables and the fact that any effort to find a "true" expression of opinion must be complex. Governmental processes have been constructed precisely to reduce the number of choices open to us. Since the average voter's span of attention is short and his span of political information even shorter, such "designs for decision" seem essential.

The Theory of Committees and Elections is concerned with mathematical accuracy in reflecting opinion. This book does not address the practical problem of how to assure that electors have the information they "should" have before making a choice. The result is a book which is politically sterile. Until there are more adequate means of informing electors and of assuring their attention to the information, there is little need for a sophisticated mathematical "theory of elections."

At the same time, Professor Black's book is stimulating. Certainly, a

periodic reconsideration of our electoral system is desirable. And Professor Black has devoted an interesting section to the application of the theory to international political decisions, as well. Perhaps the most useful section of the book is Part II which reviews the work of some of his predecessors, with particular emphasis on Condorcet and Dodgson.

However, the theory of elections should not be left to the quantitative mercies of the mathematicians and economists. The insights of other disciplines can contribute qualitatively toward understanding and improving our election systems.

FREEMAN HOLMER.

Salem, Oregon.

The House of Representatives and Foreign Affairs. By HOLBERT N. CARROLL. (Pittsburg: University of Pittsburg Press. 1958. Pp. xviii, 365. $5.00.)

"The House of Representatives has not been regarded as an important body in the control of foreign affairs." Thus Professor Carroll opens the preface to his book. He then proceeds, in this excellent descriptive and analytical study of the very important role of the "lower house" in shaping and implementing foreign policy since World War II, to demonstrate the inaccuracy of such a view.

Starting with a brief summary of the "House in history," the author moves rapidly into the present immensely complex involvement of the House in all major areas of foreign policy. He explains this sometimes unwilling involvement in simple terms. The assumption of vast world responsibilities and leadership by the United States since 1945 has placed heavy financial demands upon the Congress. And, since the House of Representatives has always jealously guarded its prerogatives in "money matters," it has been forced to play a major role in formulating and implementing foreign policy programs.

But the real contribution of this work is not in explaining why the House has become a major institution in foreign affairs; rather it is in explaining and analyzing how the House performs its functions in this area of politics. Recognizing that "men make decisions," the author plunges intrepidly into the treacherous morass of personalities, rules, committees, traditions, parties, pressure groups, attitudes, etc., that make up the legislative process. By reviewing the response of the House to major proposals over a twelve-year period (1945–57), he finds a number of obstacles to effective and responsible policy-making in that body. One of these obstacles is summarized as follows: "The Committee on Foreign Affairs now competes with eighteen other standing committees and miscellaneous select and special units for the foreign policy business of the House of Representatives. All of these committees are at least indirectly concerned with foreign affairs. More than half regularly

consider important foreign policy matters, usually in jealous isolation from one another."

Another major difficulty, the author finds, is that the committees (and their members) which deal primarily with domestic affairs — e.g., the Ways and Means Committee or the Committee on Agriculture — have considerably more prestige and influence than the Committee on Foreign Affairs. Furthermore, it appears that the all-powerful "third house" of the legislature, the Committee on Appropriations, is the ultimate board of review on important foreign policy matters. Professor Carroll's analysis of the organization and operation of this Committee is perceptive as well as stimulating. Other significant findings by the author deal largely with the lack of co-ordinated action in the House as a result of personality deficiencies and conflicts, inadequate party leadership, poor executive–legislative relations, Senate–House jealousies, and the indigestible mass of legislative fodder.

In general, this book is well written. However, one feels that occasionally the author got lost in the legislative maze. The myriad factors which influence foreign policy decisions in the House are sometimes obscured by scattered references to unexplained policy proposals. Also, this reviewer feels that Professor Carroll would have made a much stronger presentation of his very excellent material if he had added a concluding chapter summarizing his findings and his proposals for reform. In the book's present form, these items are found in each chapter. Substantively, the major defects in the book are (1) the author's tendency to find the "forces of light" always allied with the foreign policy proponents in their fights with the domestic interests and (2) the attempt to find the cure-all for legislative ailments in a somewhat discredited political patent medicine — party responsibility.

Nevertheless, this is a useful and stimulating book that will add significantly to our store of knowledge concerning the legislative process and foreign affairs.

RICHARD K. BURKE.

University of Arizona.

State Regulation of Commercial Motor Carriers in North Carolina. By CLYDE C. CARTER (Chapel Hill: University of North Carolina Press. 1958. Pp. 210. $5.00.)

This compact volume, one of a series in business administration, should receive wide attention from students of the administrative process in government. It provides a useful case study of how *not* to organize regulatory agencies. In this instance, the problems of the regulation of commercial motor carriers within North Carolina's boundaries are set forth together with considerable historical detail. The study itself provides enough material to occupy a seminar in the administrative process of reorganization for a large

portion of the semester. Not only are the administrative deficiencies laid bare but external factors affecting the regulatory process, such as judicial interpretation and the tactics of special interest groups, are woven into the commentary, thereby enabling the reader to examine the regulatory process in one narrow field from a broad perspective. In short, the study stands by itself without the need for referring to supplementary materials. As such, it may be profitably utilized by students from other regions of the country lacking knowledge of local conditions in North Carolina.

If, at times, the evolution of commercial motor carrier regulation becomes difficult to follow it is hardly attributable to the author for the story unfolds as one of almost unbelievable complexity with vested interests, jurisdictional rivalries, and divided responsibilities intermingled. It is in spite of these factors that "a creditable record of performance" has been achieved by the major agency involved. Yet, it is evident from the materials presented that fundamental reorganization is sorely needed. The author concludes his volume with a series of recommendations based upon well-known and widely accepted principles of administration. From the standpoint of administrative theory little variation from orthodoxy will be found. In fact, the author seems to place undue reliance upon the orthodox principles of administration without critical analysis of their basic tenets. Perhaps a perusal of more recent writings in the administrative field such as, for example, those of Professor Simon should have preceded the author's final draft. A minor criticism of the chapter titled "The Regulatory Process" is that the title may be misleading as little concerning the *internal* regulatory process per se appears. Nevertheless, the volume should be included in the library of those who deal directly or indirectly with regulatory agencies and their unique problems.

EUGENE P. DVORIN.

Los Angeles State College.

In Clear and Present Danger. By JOHN W. CAUGHEY. (Chicago: The University of Chicago Press. 1958. Pp. ix, 207. $4.00.)

Abjuring, possibly untempted by, the dramatic or contemptuous language often used in books concerned with civil liberties, Professor Caughey writes of the dwindling vitality of the freedoms once so sturdily meshed in Americans' public and private lives. His dispassion in approach does not, however, spare the reader a sense of shock at the cumulative impact of the instances recorded in the book in which Americans have accepted restrictions of freedom in hope of gaining security.

Beginning with a summary of traditional American rights, the author describes the effect upon them of the actions of investigating committees and

certain private organizations. He also describes the increasing loss of confidence in heretofore basic freedoms as fear and accusation displace logic and evidence as the means of coming to conclusions. The assaults upon scientists, teachers, authors, the church, the press, the movies, are reviewed, and the development from these attacks of the idea that when a threat to security is alleged *some* kind of evil must exist in the group; also reviewed is the growth of an uneasy equating of the charge with proof. A chapter is given to a description of the reduction of the Fifth Amendment from a respected safeguard for the individual facing the collective majesty of the state, to a disreputable subterfuge behind which hide only the guilty.

Out of the turmoil, the inchoate suspicion, the rancor, the imputations of widespread disloyalty, have come few direct convictions, no relief from Communist threats, and no relief from fear of Communist threats. If from the curtailment of liberties detailed in the book had come the greater safety of our government, or if Communists only had been damaged in the process, then the sacrifice of some liberty might be classed as the necessary price of security. But such has not been the result. Perhaps the most discomfiting observation made by the author is that real dangers have not been averted, but that millions of Americans have been "jostled" toward conformity.

Lest any fear that in his concern for the American heritage of freedom, Professor Caughey ignores problems of national peril, it should be noted that he cites the menace and mendacity of the Soviet Union, the disruptive tactics of resident Communists, and the obvious necessity for protection from subversion. His focus is upon the damage which has resulted from confusing protecting ourselves from traitors, and protecting ourselves from ideas.

Little of the material in this book will be new to the reader, since the instances have appeared in newspapers, magazines, and many books. The particular value of *In Clear and Present Danger* is its review of the many fields of violation of freedoms, its cumulative reminder of the incidents of the past ten years in which losses of freedom have occurred. It also reminds that the responsibility for the devaluation of Constitutional protections lies with all citizens, that the losses could not have happened without the support, compliance, or quiescence of the majority. Freedoms are not immutable but are defined and re-provided by each age for itself. So each age must choose what freedoms should exist, to whom they should extend, the tolerable limits of unorthodoxy; basically, each age must decide the extent of the freedom to learn. Professor Caughey makes a strong case for the inseparability of freedom and rationality.

ELEANORE BUSHNELL.

University of Nevada, Las Vegas.

World Peace through World Law. By GRENVILLE CLARK and LOUIS B. SOHN. (Cambridge: Harvard University Press. 1958. Pp. xxxvi, 540. $7.50.)

The authors of this provocative work believe that they have the answer to the question, "What shape would the Charter of the UN have taken had it been forged after the detonation of the first atomic bomb rather than before?" They have confidence that if the people of the world fully realized the awfulness of the consequences of an "all out" nuclear war this generation would replace the threat of annihilation with a rule of world law. They believe that the average American is reluctant to "engage in the mass destruction inherent in nuclear war." The United States might emerge the victor from one but also "might well emerge as the greatest killer and destroyer in all history."

The old precept that war is a natural state of man is here rejected. The premise of this book is identical with recent statements of President Eisenhower: "There is no alternative to peace"; and "There can be no peace without law." From these the deduction can be made, "There is no alternative to world law." The word "law" implies an "enforceable world law" applicable to all nations and peoples in the world; it would forbid violence, or the threat of violence, in international behavior.

Since it is in the area of making war that lawlessness exists in the world, the application of enforceable world law in the limited field of war prevention would abolish world lawlessness at the international level. This would be the only power delegated to this world authority; all other powers would be reserved to the nations and their peoples.

The proposals of the authors to achieve this end are neither wild-eyed nor starry-eyed. Working within the frame of the UN the "basic rights and duties of all nations in respect of the maintenance of peace should be clearly defined not in laws enacted by a world legislature but in the constitutional document itself." Thus the nations and peoples would know in advance precisely what obligations they were assuming when they accepted the new organization. The constitution of the new organ would have to be ratified by five-sixths of the nations of the globe.

The format of the first two hundred pages of this volume is a *sic et non* arrangement of the San Francisco Charter: in the left column is the original Charter with the portions to be amended or omitted in italics; the right column incorporates the suggested amendments line by line and Article by Article with all changes and additions indicated by italics. Comments and texts of seven Annexes to the proposed revised Charter follow in one hundred and fifty pages: Disarmament, United Nations Peace Force, Judicial and Conciliatory System, World Development Authority, Revenue System, Privileges and Immunities, and a Bill of Rights.

Appendix A contains the texts of the San Francisco Charter and the Statute of the International Court of Justice; Appendix B, the text of the pro-

posed revised Charter, almost twice as long as the original, and texts and outlines of the seven Annexes.

There is a remarkably original and helpful index that enables one to find his way around, topically, in the many documents of the text.

Unquestionably, this volume is a peer in the growing literature on UN Charter revision.

E. MALCOLM HAUSE.

University of Idaho.

Classrooms in the Factories. By HAROLD F. CLARK and HAROLD S. SLOAN. (Rutherford, N.J.: Institute of Research, Fairleigh Dickenson University. 1958. Pp. xiii, 139. $3.75.)

This is a study of in-service "education" activities of the five hundred largest American industrial corporations, excluding training primarily concerned with a particular product or trade such as sales or apprenticeship courses. The book attempts to report the facts garnered by the authors, and does not try to evaluate the data nor present conclusions. Information for the study was largely gathered by questionnaires, from company training pamphlets, and through a relatively few personal conferences with executives.

In-service training of the sort described in *Classrooms in the Factories* has become an important aspect of personnel administration in business concerns and government agencies both large and small. It is also of great interest to educational institutions, particularly at the college level. Industry and government, often in co-operation with colleges, spend hundreds of millions of dollars each year on the training of executives and employees in an amazing number of occupations, skills, and subjects. As the authors point out, modern technology, rapidity of change, organizational complexity, and many other facts of our complicated industrial civilization combine to require continuous post-school education of millions to enable them to perform their work adequately. Present trends indicate that in-service training for government and industry will become an extremely important part of the educational system of our society.

Classrooms in the Factories does show clearly the wide scope of the educational activities found in large-scale modern business. A simple listing, for example, of the titles of the courses found in the programs of six firms takes up thirteen pages. This training, as the authors indicate, is in large part directed at goals beyond imparting particular job skills. Postgraduate courses for engineers and scientists and education in the humanities and social sciences for executives are, for instance, often important aspects of corporation programs. For the most part the book is not concerned with a detailed description of the content of particular courses, but rather deals with number,

variety, and frequency of offerings. It does, however, treat at some length the subject matter of executive development and human relations courses.

While the book is devoted to a description of the educational programs of large-scale industry, the authors perhaps should have included some data on concurrent developments in government at all levels and in smaller businesses. Activities of governmental agencies in the field of in-service training certainly compare with and often surpass those of private industry. They should not be ignored. Indeed, a broader base for the study is generally indicated to point out the real impact of the in-service training movement on our society. Within the framework of the present study itself, there is also some indication that the authors placed too heavy reliance upon the experiences of a very few concerns. One important facet of training almost entirely omitted from the book relates to the tremendous attendance of employees of industry and government in evening classes of local colleges and universities, generally encouraged but not paid for by employers. One also feels that the lack of evaluation of the data reported in the book detracts somewhat from its usefulness. More attention could, in addition, have been given to the organization, administration, and staffing of the training function.

Classrooms in the Factories is a contribution to our knowledge about in-service educational activities of large-scale organizations. That field of research is a large and growing one. Much more should be done by way of describing and analyzing origin, extent, and importance of this great educational movement which is largely the product of the past fifteen years. Its present — and future — impact upon higher education is in particular of great concern to academicians.

RICHARD BIGGER.

San Diego State College.

The Land of Amanha. By CATHERINE COOPER. (New York: Greenwich Book Publishers. 1958. Pp. 52. $2.00.)

This very small forty-four page work devotes twelve pages to getting the author to and from South America where presumably she enjoyed such experiences as to warrant her relating in the remaining thirty-two pages "A Story of Brazil Today, the Country, the People, the Fiesta Spirit." This national interpretation, as set forth in the subtitle, is to be found in selected letters written by the author to her mother during her stay of some eighteen months in Brazil. Impressions left with the reader are diametrically opposed — much is promised but little or nothing is forthcoming. The letters — which are undated — are most revealing in that they stand as a record of an individual who obtained completely superficial impressions of the Brazilian culture, economy, values, and problems through a filter of provincialism which remained unshaken during her total stay in Brazil and which blocked

sympathetic understanding. In an area of our world where a plethora of material exists from which a genuinely valuable contribution to our literary store on Brazil could have been extracted, the author seems to have been more impressed with recording the sheer dross which has been more meritoriously reported in contemporary guide books dealing with the peoples and nations of South America. If there was a truly genuine understanding of Brazil today on the part of the author, it does not appear in these letters.

Unless one is a trained observer, it is difficult at times to know just what approach to an understanding of a national culture and economy should be adopted and just what questions should be asked. This, however, can be compensated for by the possession of genuine interest and avid curiosity. Most, if not all, of the features of Brazil reported on by the author are mere repetitions of materials which have been inserted over and over again in every standard text dealing with this nation. Obviously the author was limited geographically, since she touched at the cities of Rio, Sao Paulo, and Santos but spent most of her time in the interior of Brazil. This journey into the interior to a point (which is unidentified) where her husband is engaged in the development of a project provided an opportunity for some excellent reporting. It would have been most meritorious if the author had shown the instincts and comprehension of an observer in embryo and reported an unsullied view of the work of the Brazilian government in coping with the developmental problems of its hinterland. For example, what was the meaning of the project to the people and the nation? What conditions brought it into existence and what cure was being effected? How did the people of Brazil, particularly the population in the interior, receive this project? Most important, how did American technical aid and American personnel affect the feelings of the populace?

Moreover, since these letters presumably report on the people and their spirit, it is a disappointment to find the comments are devoted to the servant problem but only briefly touch upon some of the intriguing features of Brazilian communal life and its societal values. In a nation which is populated by a mixture of European white, Negro, and Indian, some comments would have been apropos in regard to racial attitudes. The showing of the relationships which allow the people to live and work together would have been of considerable value to a world wherein the struggle to integrate Negro and white has been bitter indeed. Brazilian festivals, which show the inherent gaiety of the nation, receive about as much attention as a rather nostalgic report of the family's Thanksgiving and Christmas feast which were held in the American tradition. In general, there appears to be a complete failure to appreciate the institutional and psychological factors which govern the Brazilian populace. From a cultural standpoint, these reports are those of a tourist who, despite a substantial length of time, appears to have failed to

penetrate below the surface and found something of the true spirit which motivates these people.

To this reviewer there appears to be no real reason for publishing this book. Nothing is added to our understanding of Brazil. A possible reworking of the material plus the addition of personal remembrances not recorded on paper may raise the value of the book, if reissued, but this reviewer doubts it very much.

JOSEPH T. HUMORESTOK.

Alameda, California.

Government and Politics in Latin America. Edited by HAROLD EUGENE DAVIS. (New York: Ronald Press. 1958. Pp. iv, 539. $6.50.)

Latin-Americanists will be pleased to see this new work added to the growing list of texts for the Latin-American Governments course. Indeed, it is intriguing to note that, except for the European area, more textual attention has been given to our sister republics than perhaps any other major area of the world — a fact quite in contrast at least with State Department emphasis in recent years.

Government and Politics in Latin America is the outgrowth of a post-doctoral seminar held at the American University which sought to find "some better way to introduce the student to a comparative survey of the political institutions of Latin America, their structure, their operation, their strength and weaknesses." In the aggregate, the authors — a group of outstanding political scientists, economists, and historians — have done an excellent job of fulfilling their aims and of giving unusual life to the subject by their method of presentation. They have chosen to divide their material into three parts: the dynamics of politics and power, the structure and functions of political power, and expansion of government. However, unlike some texts in comparative government, they refuse to introduce the dynamics of Latin-American society and then ignore it when considering structure and functions. Instead, these basic factors are woven together in a most intelligent and exciting manner. Thus, to cite just one example, Professor Blanksten notes the ephemeral nature of Latin-American constitutions and then asks: how "profound a condition of political instability underlies this relatively rapid turnover of constitutions?" "Why does this turnover occur?" "Why do the states of Latin America bother to write constitutions in the first place?" Consequently, there is a purposeful attempt to bring together the various threads of Part I in order to explain the institutions and processes described in the later sections.

The reviewer found little fault with this book — a list of the tables included would have been helpful, more stress on church–state relations and

a somewhat lengthier explanation of the ideas of certain political movements (as, *Aprismo*) would enhance the text's utility. But these are minor suggestions, not important criticisms. Professor Davis is to be commended for his fine editing which serves to maintain a highly interesting style throughout.

Whittier College. BEN G. BURNETT.

Heinrich von Treitschke. By ANDREAS DORPALEN. (New Haven: Yale University Press. 1957. Pp. 345. $6.00.)

Professor Dorpalen has done an admirable job of writing the first full biography of Heinrich von Treitschke, a man whose long and prominent career as historian and publicist was so vital a part of the scene in Bismarck's Germany.

It is difficult indeed to find any serious shortcoming in this fine book. Treitschke's family background, his youth and education, and the varied stages of his adult career and vividly and perceptively portrayed. The author is extremely skillful in his use of quotations from the writings of the man and his contemporaries to recapture the spirit of the times and to illustrate the many and varied styles and moods in which Treitschke himself wrote. The intellectual influences — German and European — which were forged into Treitschke's thought are carefully and intelligently analyzed and evaluated. And the man's influence on his own era is judiciously assessed.

The picture of Treitschke which emerges goes impressively far to dispel the vague and sinister picture which has been conjured up by those seeking the "deeper roots" of German Nazism, while at the same time giving due weight to the effect and the significance of Treitschke's often fanatic and intolerant polemicizing on behalf of Bismarck's scheme for German unification. Treitschke is portrayed as showing in many of his shrill editorials unmitigated contempt for his political opponents and frightful indifference to the possible effects of the means chosen to achieve the end of German unity. And yet his objective of the unitary state, based on monarchy, army, and bureaucracy, was in no sense unique to his country or his age, nor was his glorification of war as a means of achieving the objective. His rhetoric in praise of war has little to distinguish it, for example, from comparable efforts of Theodore Roosevelt's. It is this kind of judicious assessment, combined with careful scholarship and fine writing, that makes this book a significant contribution to German history, and to the history of an era.

University of Oklahoma. HERBERT J. ELLISON.

Les Frontières Européennes de L'U.R.S.S. 1917–1941. Edited by J.-B. DUROSELLE. (Paris: Armand Colin, Cahiers de la Fondation Nationale des Sciences Politiques, No. 85. 1957. Pp. xv, 355. 1,300 frs.)

The editor, J.-B. Duroselle, is professor of history at the Saar University, director of the U.S.S.R. section in the (French) National Foundation of Political Science, author of *Histoire diplomatique de 1919 à nos jours* (Paris: Dalloz, 1953), and editor of *Les Relations germano-soviétiques 1933–1939* (Paris: Armand Colin, Cahiers de la F.N.d.S.P., No. 58, 1954).

Only the four-and-a-half-page introduction is written by Professor Duroselle. The book itself is divided among four other authors. First, J.-Y. Calvez discusses the Soviet theory of international boundaries. Then follows a series of case studies, one for each European border state of the Soviet Union. Stuart R. Schram contributes the chapter on the three Baltic states; Miss C. Beaucourt discusses Finland and Rumania; and B. Goriély writes on Poland. The book includes a sectional bibliography, an index of names, and four maps.

The title may suggest geopolitics, but the treatment is primarily historical. In his very succinct introduction Professor Duroselle advocates the systematic study of boundaries. In describing a country, a leader, a political philosophy, an economic system — we must face boundaries. We must state the limits within which our description claims validity. This being so, should we not for once focus our attention on the boundary itself? Professor Duroselle offers the present volume as an affirmative answer to this question. Boundaries can be examined in three respects: (1) as they are; (2) as policy-makers want them to be; and (3) as they affect the people who live on either side. Within this framework the authors follow their own specialties.

Mr. Calvez singles out several Soviet concepts of boundaries, depending on whether they coincide with ideological borders, or are intra-Communist, or intra-Capitalist international boundaries. He uses Russian sources on law, politics, and theory without, however, cross-relating them to the standard Western writings in the field.

The several case studies cover, without exception, unusually rich detail based on multilingual primary sources. They cross-relate to standard secondary sources. They describe facts and leave the interpretation to the reader. Their common denominator is what Isaiah Berlin called a fox's view of history — without "cause," "hero" or "purpose." The articles differ only in coverage of detail and as to how closely they follow Professor Duroselle's recommended focus on the boundary itself. The article on the Baltic states is by far the most comprehensive and that on Poland is most sharply focused on the boundary.

The book is very readable throughout, and the textual part succeeds admirably against all odds in avoiding gaps and duplications. The co-ordination

between footnotes and bibliography is not quite as good, especially in the article on Rumania.

The book will interest chiefly the Soviet and Eastern European area specialist, or anyone who wishes to have a large amount of well-organized, well-documented and relevant information. It may also serve its stated purpose of attracting the attention of political scientists to the study of the international boundary as such. In the latter respect it might have been even more effective if Professor Duroselle had added some comparisons or generalizations, however tentative.

PETER H. ROHN.

University of Washington.

Heritage of the Desert: The Arabs and the Middle East. By HARRY B. ELLIS. (New York: The Ronald Press Company. 1956. Pp. 311. $5.00.)

This book, which seeks to give "a balanced understanding of the most explosive area in today's world," provides a comprehensive social, economic, and political survey (internal and external) of contemporary Saudi Arabia, Syria, Jordan, Iraq, Lebanon, and Egypt. It is based principally on impressions and materials collected by the author during three years' service as Middle East correspondent of the *Christian Science Monitor.* The author's report is also enriched by extensive resort to the excellent work of George Lenczowski and Philip Hitti for background material. The result is a reliable and dispassionate introduction to the Arab world and to the major problems produced by Zionism and the revival of Arab nationalism.

This book was designed for the "trade" rather than for the university market and thus is almost barren of documentation. Moreover, there are conspicuous gaps in the useful three-and-one-half page bibliography. Still another annoying feature, shared with most other serious books aimed at the "trade" market, is the use of journalistic chapter titles which often conceal what the author is writing about. Thus a discourse on the nature and influence of the Bedouin is camouflaged by "Black Tents of Kedar"; Arab character is dealt with in a chapter called "Pigeons on the Roof"; "Sunnis and the Census" is a chapter on Lebanon; and a chapter on Jordan is called "Plumaged Birds Slightly Soiled." Fortunately, however, there is an adequate index for those who might want to use the book as a reference work. This is practically indispensable, since the author's organization is not strictly country-by-country.

Errors of fact are not frequent, but some are serious. It is doubtful, for example, that at the time the author made his survey "one third of Damascus newspapers follow[ed] the Communist line. . . ." Reports supplied this reviewer by the United States Information Service in Damascus during the same period made this charge for only one or two newspapers.

More serious, perhaps, are some of the author's opinions for which no supporting data are furnished, and for which there is even negative evidence. He declares that "Israel itself, committed to a program of constructive development within a Western parliamentary system, theoretically is an element of major stability in the Middle East. . . ." Elsewhere, however, Ellis has shown how "constructive development" in one Middle East country often creates instability in another. Likewise, there are obvious grounds to doubt his conclusion that "the educative and administrative system established by the British permitted Iraq's rapid assimilation of the Westernizing process." His view that Russia's arms deals in the Middle East were motivated by the "hope to precipitate a second round of Arab-Israeli fighting" in which the Arabs would be defeated is refuted by subsequent events, particularly Russia's behavior following Israel's attack on Egypt late in 1956. This conflict also revealed the depth of Ellis' error in believing that as a result of those arms deals "Egypt has acquired a definite lead" in air power. Another dangerous oversimplification, if not an error in fact, is Ellis' suggestion that "Only the success of Arab Communism within Syria" led Nikita Khrushchev to assert in a key address that "the Soviet Union desired a 'strengthening of bonds' " with Syria.

None of these criticisms should be allowed to overshadow the substantial merits of Mr. Ellis' book. In general, he has done well what he set out to do. He has grasped the pulse of Arab nationalism and has found it not essentially unhealthful. He has fearlessly recorded that "Egypt today is the only Middle Eastern country with a government in office specifically to eradicate social ills," thus showing the constructive side of "Nasserism," a term which he wisely avoids using. The goals of Arab nationalism are made clear, either implicitly or explicitly — independence, unity, and progress — and much valuable data have been assembled to trace progress toward them and to point out what stands in the path of their fulfillment. There is valuable material on Arab-Israeli relations and the problem of economic development also receives extensive treatment. Here, then, is a useful collection of Middle East political realities available for anyone desiring the "balanced understanding" promised on the book's dust jacket.

H. PAUL CASTLEBERRY.

State College of Washington.

Politics in Wisconsin. By LEON D. EPSTEIN. (Madison: University of Wisconsin Press. 1958. Pp. xiv, 218. $3.50.)

Political scientists who have read Epstein's articles in the *Journal of Politics*, the *Western Political Quarterly*, the *Mid-Western Journal of Political Science*, and *Political Studies* will welcome the accumulation of data into one short volume which represents a labor of several years. The dust cover

emphasizes that the author has not used a structural textbook approach, but has devoted his efforts toward the informal aspects of Wisconsin politics. This is encouraging and necessary for political science.

In separate chapters Professor Epstein deals with the socioeconomic and historical background of Wisconsin politics, the two-party system as practiced in that particular state, the differences of voting behavior in communities of varying size, the party organizations from an analytical viewpoint, the legislative membership, and legislative elections. In conclusion, there is a speculative chapter on the basis of conclusions derived from the afore-mentioned topics. An appendix provides much of the detailed statistical information used in the study.

In the introductory chapter the author emphasizes the limitations of his study: e.g., it is confined to one state, and he lacked an ideal scientific laboratory. Still, he embarks wisely upon a study that is productive despite such limitations. The result is a very useful contribution to our knowledge of political life, for Epstein tests his own hypothetical statements and the premises of other authors (notably V. O. Key) by using data from election returns, interviews, and questionnaires, and by living in the Wisconsin climate.

Analysis of the two-party system practices in Wisconsin and the substitution of the primary is of special interest. Although a long period of Democrat-Republican rivalry, with the Democrats as underdogs, was followed by a period from 1900 to 1932 when the Republicans were clearly dominant, this did not mean that Wisconsin was without political rivalry. The bi-factionalism in the Republican primary contests provided conservative and liberal alternatives within what would appear on the surface to be a one-party state. Likewise, the LaFollette Progressives provided alternatives in the period that followed 1932 when Democrats were on the verge of nonexistence. Only since World War II has a traditional Republican versus Democrat struggle approached the national two-party pattern in Wisconsin. Thus, the primary system served as a fairly adequate substitute for the general election and in some ways delayed the emergence of a traditional two-party system. This one example attests to the need for more extentive research in all states before we can delineate classifications of our party systems.

Another point of interest is the conclusion that conformity to local pressures made or makes it desirable, especially in small communities, to be politically respectable by voting for the dominant party. One might venture to speculate whether this desire for political respectability may not explain in part the recent emergence of strong Democratic voting strength in Northern states long assumed to be Republican bastions. It may be that upset gubernatorial victories provided an impetus to a latent Democratic inclination by providing victorious respectability.

Many other aspects of Wisconsin politics will provide food for thought, such as the LaFollette efforts to bring liberalism back into the Republican fold

and the results of his surprising defeat at the hands of McCarthy. More important, however, than some of the fascinating political "tid-bits" is the model that Epstein has provided for other studies of state politics. When duplicated in several other states the detailed analysis of individual states in line with the approach of V. O. Key and the study of Epstein may provide a wealth of comparative political data. From such labor will come materials to substantiate our present textbook generalizations and to reveal new insight into our peculiar politics as practiced in our unique political communities. The emphasis upon the informal aspects rather than the structural approach is to be congratulated and to be encouraged.

LEROY C. HARDY.

Long Beach State College.

The Defendant's Rights. By DAVID FELLMAN. (New York: Rinehart & Company. 1958. Pp. 356. $5.00.)

Society's constant dilemma is to safeguard the rights of both the individual and the group. Justice Douglas has compared the Bill of Rights with a "No Trespassing" sign warning government against treading upon the constitutional rights of its citizens, either individually or collectively. Professor Fellman has provided a view of the small print on the sign. He has described and analyzed the basic constitutional rights of criminal defendants as set forth in Articles 4, 5, 6, and 7 of the Bill of Rights, in pertinent national statutes, and in the general practices of the states.

The author has dealt with the rights of defendants charged with crime during the period from arrest through the finality of trial, including appeal and collateral attack after conviction. His book concentrates on the law of notice, hearing, habeas corpus, trial by jury, right to counsel, searches and seizures, self-incrimination, double jeopardy, and cruel and unusual punishments. His final chapter, departing from the principal theme, deals with "quasi-defendants." Here the author describes the rights of persons in loyalty matters, before investigating committees, the status of aliens in federal courts, and passport "defendants."

Professor Fellman's book is written in clear-cut, precise language. It will serve the general public, for which it was prepared, admirably, since it provides an accurate statement of presently existing rules of law. The author's deep concern for justice provides the theoretical basis for the book, and affords the general reader with a continuing precept. He says, for example, "In a large measure justice is fair procedure." The book will also be of keen interest to the student of general constitutional law, since by its very nature it deals with procedural due process of law and affords current illustrations of the path of this important principle. The book is particularly noteworthy

in that the author has made use of all the good current literature on the specific subjects considered.

The author has engaged in few broad generalizations. Rather he has provided the reader with the technical judicial holdings in the areas studied. He permits these facts to speak for themselves. There is little reference to the law in the raw — the manner in which the holdings of the appellate judges are actually used in the trial courtroom is generally beyond the author's inquiry. This reviewer would have appreciated a concluding chapter in which legal rules and their actual application at the trial level would have been related and analyzed in some detail. One is unfortunately reminded that despite the relative certainty of the holdings of the higher courts that the standards of criminal justice vary considerably throughout the United States.

The book is well footnoted. Regrettably, all of the footnotes are assembled at the back of the book. This does not contribute to ease of reading.

This reviewer would have appreciated a thorough discussion of the concept of constructive search and seizure. It deserves greater attention than accorded in view of the broad use made of the doctrine by the national government.

One is impressed with the recurring reference to judicial restraint on the part of the Supreme Court in dealing with criminal matters. Fellman's book will hardly support the views of the majority of the judges attending the recent Pasadena Conference of State Chief Justices.

Throughout the book one is impressed with Fellman's attachment to the judicial process and at the same time his concern for judicial restraint, his sympathy with the executive and administrative branches of government, his criticism of some legislative practices, his dedication to justice and individual rights, his hope for a higher moral tone of criminal justice throughout the entire nation, his deep concern for the harm which can be done by governmental agencies to the "quasi-defendants," and his awareness of the over-all needs of a democratic society. He has unquestionably made a valuable contribution to the understanding of constitutional rights in the United States.

CARL Q. CHRISTOL.

University of Southern California.

American Diplomacy in the Great Depression. By ROBERT H. FERRELL. (New Haven: Yale University Press. 1957. Pp. lx, 319. $4.50.)

This is the second installment of a projected three-volume history of American diplomacy from 1927 to 1937. *Peace in Their Time,* which concerned the origins of the Kellogg-Briand Pact, appeared in 1952. These monographs have established Professor Ferrell as one of the ablest students of diplomacy.

The two volumes invite comparison. Both are the products of extensive research. The present one is based not only on the available printed and archival sources but also on the indispensable diaries of Henry L. Stimson and Undersecretary William R. Castle as well as on conversations with Castle and other diplomatists. In both books Ferrell goes beyond the role of a recorder; he presents sophisticated interpretations and hands down judgments, usually with a high degree of acuity. Moreover, in the five years intervening between the two publications, Ferrell's style has improved immeasurably. The pages of his current study are enlivened by clever phrases, apt comparisons, and deftly etched portraits.

Ferrell begins with three background chapters dealing with the Great Depression, the basic American diplomatic principles and policies in 1929, and the American statesmen of the day. The bulk of the book is a chronological account of developments involving the Far East, war debts, and disarmament. There is also a chapter on the World Economic Conference of 1933.

Four themes dominate the book. First, Ferrell stresses the impact on diplomacy of the Great Depression. Labeling it the "overriding event of the times," he considers it the principal reason for the international tragedy of the 1930's. He insists that it "palsied the hands of American statesmen and sent them searching for formulas and phrases in which to settle, so they hoped, the difficulty of the moment." Second, the "peculiar heritage" of diplomatic assumptions and policies with which American diplomatists met international problems was admittedly inadequate. Yet only a few individuals, and none high in the councils of the American government, were willing to try a diplomacy based on force rather than on moral suasion and legal admonition. Third, Ferrell does not blame the American statesmen for the diplomatic failures of the era. He is impressed with the excellence of the American diplomatists during these years, with several exceptions, of course. Although not glossing over Stimson's temperamental weaknesses, his lack of knowledge of the Far East, and his blunders, Ferrell is not as hostile as Richard N. Current towards the Secretary. And Ferrell remarks that critics of Stimson's "moral approach" to international relations have overlooked the lack of an acceptable substitute. Fourth, while admitting that little in diplomacy is inevitable, Ferrell argues that sometimes "events become so difficult that human intelligence at the moment finds itself unable to look into them, and can observe only outside appearance." In this connection Ferrell quotes Stimson's remark that he was " 'the servant of events, and not their master.' " This triumph of events over intelligence was accompanied by the failure of both economic and political knowledge.

The book fulfills the highest canons of scholarship. The footnotes are

placed on the bottom of each page, where they properly belong. The index is usable. The annotated bibliography, which covers twenty-six pages, is both comprehensive and critical.

JULES ALEXANDER KARLIN.

Montana State University, Missoula.

Russian Liberalism. From Gentry to Intelligentsia. By GEORGE FISCHER. (Cambridge: Harvard University Press. 1958. Pp. ix, 240. $4.50.)

Until very recent years the bulk of both Soviet and Western historical monographs dealing with political movements in the last decades of Imperial Russia have concentrated almost exclusively on the Social Democratic movement, still more so on its Bolshevik branch, giving the latter a retrospective significance incongruent with reality. Happily, no political vested interests dictated that this should remain the case outside the Soviet orbit, and we have therefore been blessed with a number of recent ventures into the examination of Russian populism and liberalism, and may one day see also something on Russian conservatism.

George Fischer's *Russian Liberalism*, covering the period from the Emancipation to the 1905 Revolution, is welcome not only because it treats a neglected subject, but also because it represents the results of extensive and thorough research presented in a highly readable form. It includes an ample supply of well-chosen quotations from sources which convey much of the flavor of debates and personalities; themes and figures from contemporary Russian literature are artfully and illustratively employed; and the brief biographies of liberal leaders are skillfully done.

One is used to criticizing monographs for being unrelated to a broader scene of developments: this time the defect is more unusual. There is no failure to link up Russian liberalism with the main trends of European liberalism and the general European context of liberalism as political movement. However, the specifically Russian context of liberalism is frequently vague. The liberals' problems with autocracy generally or autocrats individually are spelled out in some detail (little of it new), but general social and economic trends and problems are presented much less adequately and often thoroughly confusingly. Insofar as the latter are examined it is either within the framework of Marxist sociological categories dressed in inverted commas (Marxism with sophisticated winks at the reader), or in the jargon of the currently faddish underdeveloped areas sociology. Russia is thus frequently styled an "underdeveloped society" or a "sea of feudal backwardness," and Russian liberals (and other liberals in such circumstances) "have-not liberals." The resulting impression (once again general rather than specific to Russian circumstances) is that "have-not liberals" have a very bad time of it in achieving their primary objective, "the molding of a modern and free society." But

though unnamed critics of the radical liberals of the period of the 1905 Revolution are criticized for their carping, one gets little sense of just what criticism of liberal leadership could be made within the framework of concrete alternative choices, and the author's conclusion — "the odds against liberalism were no less and no more in Russia" — does little to enlighten.

University of Oklahoma. HERBERT J. ELLISON.

The Training of Specialists in International Relations. By C. DALE FULLER. (Washington, D.C.: The American Council on Education. 1957. Pp. xv, 136. $3.00.)

A recent book, *The Ugly American*, coauthors of which are William J. Lederer and Eugene Burdick, has shocked and disturbed many readers by its indictment of the competency and conduct of American representatives abroad. This work, a novel in the tradition of the expository fiction resorted to by the muckraking authors of an earlier day, deals critically with many facets of American relations with other peoples. Among other things, it raises grave questions as to the scope, adequacy, and suitability of the preparation whereby those who represent us abroad qualify for such important responsibilities. For those who are concerned about this vital problem — whether or not as a result of having read *The Ugly American* — there is another book, less publicized and of quite a different nature, which will prove most helpful in analyzing the situation and in suggesting remedies. This work, C. Dale Fuller's *The Training of Specialists in International Relations*, will answer many a question and provide thoughtful and well-reasoned observations on programs, methods, and plans currently employed at the graduate level to prepare specialists in this field for the responsibilities inherent in the career of their choice.

Professor Fuller's book is extremely well organized, simply written, frank, informative, and thought-provoking. Of particular interest and value to deans, chairmen, and faculty members in Education, International Relations and Political Science generally, is the chapter entitled "Strengths and Weaknesses of Specialized Training as Seen by Former Students."

Although its very nature would ordinarily limit such a work as Professor Fuller's study to a limited and professional readership, this particular book deserves and should have a broader appeal. The informed and serious layman who is genuinely concerned with matters of American foreign policy will do well to peruse it. This study will shed a great deal of light on many of the problems indicated in the work of Lederer and Burdick.

University of San Francisco. ROBERT CAMPBELL MACKENZIE.

Fossils and Presences. By ALBERT GUÉRARD. (Stanford: Stanford University Press. 1957. Pp. viii, 270. $5.00.)

Professor Guérard says that his book is a "study in purposeful change." "This book is one more attempt at explaining my living faith, in the perspective of six decades of world anguish." Professor Guérard applies the name "fossils" to those ideas which were once potent enough to generate institutions to facilitate their work, but are now no longer relevant and constitute a drag in man's quest for a good world. The name "presences" applies to those ideas — past, present, and future — which are currently guiding and helping in this quest.

In Part I, "Meditations on the Art of Thinking," he deplores the general rebellion against thinking that is now manifest in the United States, even among intellectuals. As a result of this obscurantism there are ideas which have lost the spirit of deliverance but are still adhered to as if some good remained in the spiritless corpse. These concepts the author calls idols. They are Race, Leviathan National State, Party System, Profit Motive, and the Sectarian Church. The worship of these idols he makes analogous to the turning away from God and the acceptance of Mammon. The evil of this practice is the mental anguish caused by the "double thinking" process. To be loyal to the idols and think also is the torture of the rack. Some escape from this pain is made possible by not thinking. My own classroom experiences confirm this finding.

In Part II, "Age of Paradox," the author contends that the usual method of slicing up history into periods, eras, or epochs as a means of showing the direction of man is not satisfactory. Instead, he offers categories of ideas, which may coexist but differ in the quality of their lives: Fossils, Classics, and Presences. The Dixiecrats, the D.A.R., and the rugged survivor of the preindustrial era are living fossils. It follows, then, that within the thought stream of mankind, ideological periods continue to exist in spite of the fact that they lost their relevance centuries ago. The "classic" is purely a literary figure. The author of a classic — Tolstoy is an example — deals with concepts on a high literary level. A "presence" is the literary figure whose influence for good and whose style keeps pace with enlightened reality, such as Dostoevski. Dr. Guérard notes that while his definitions are literary, the distinctions apply in every field.

Part III discusses the contemporary scene from the standpoint of the paradox created by Nationalism, Liberalism, and Justice. While Nationalism has played a part in promoting the freedom of man, the militant hatred it promotes in addition is the source of much world agony. To explain the paradox of Liberalism, four types of colonialism are distinguished: settlement of vacant lands by a new ethnic element; civilizing and educative colonization; symbiotic colonialism; and sheer imperialism. Symbiotic coloni-

alism offers a properly measured amount of Liberalism; it is gentle persuasion and a pluralistic policy which recognizes divergent cultures. Time then selects out the socially valuable aspects of these cultures.

By way of conclusion, the author urges that there be less reliance upon concepts which are not beneficial to all men.

HARRISON R. BRYAN, JR.

Covina, California.

Problems of the New Commonwealth. By SIR IVOR JENNINGS. (Durham: Duke University Press. 1958. Pp. 114. $2.50.)

This book is the revised text of three lectures delivered at the Commonwealth Studies Center at Duke University in 1957. One lecture was intended for historians, another for economists, and the third for political scientists, which may explain why an anthropologist has been asked to review the book. A common thread runs through the book and Sir Ivor gives us a lesson in the arbitrariness of these academic categories of thought, by showing how they break down when practical decisions must be made. His strength and breadth in this area of study is undoubtedly enhanced by his practical experiences in assisting with the formation of some of the Asian states which form the "new commonwealth." His intensive academic experience is blended nicely with knowledge of practical politics, resulting in a realism about both kinds of activities with remarkably little cynicism about either.

The author puts forth the thesis that the roots of political problems lie in emotions and maintains that a great deal of what has been done in the name of nationalism or communalism in Asia cannot be justified rationally by such as, for example, economic motives. Instead, he finds that nationalism in Asia has most often been founded in self-evident truths and false history.

He does not attempt to draw generalizations or to make predictions and wisely points out that the Asian experiences supply no precedents for the most difficult of the problems of self-determination in Kenya and Central Africa. He contents himself with discussion of various problems, including the nature and origins of ideas about nationalism, the development of nationalist leaders, the nature of the differences in policy in British colonial history, the important role of the British Labour party in recent years, the requirements for the successful transfer and the kinds of conflicts arising in self-determining countries after the transfer of power.

The author can be judged to have accomplished, in a lucid manner, his purpose of demonstrating that problems of interest for American students exist in the new Asian commonwealth countries. He also provides, between the lines, an intriguing contrast to common American beliefs in a particular kind of progress. It is an informative little book which can be heartily recommended for all classes of serious readers.

CONRAD C. REINING.

University of Minnesota.

Strategic Surrender. By PAUL KECSKEMETI. (Stanford: Stanford University Press. 1958. $5.00.)

"Strategic Surrender" by Paul Kecskemeti is a clear, succinct, and cogent analysis of the surrender policies followed in World War II, joined with a proposed prescription for statesmen who will confront the problem in the present nuclear age. It is an excellent summary and evaluation of immediate past action. The recommendations for the future are soundly based and characterized by both restraint and wisdom.

The Rand Corporation authorized the study, and the funds were provided by the taxpayers via the United States Air Force. When the word reached the august United States Senate that federal funds were being employed on a "surrender" project, the senatorial wrath was unleashed. Surrender is a concept that senators abhor, and they promptly passed a resolution, eighty-eight to two, forbidding the use of government funds to pay a person or institution who would ever propose or conduct any study or plan regarding "the surrender of the government of the United States." The eighty-eight senators will be comforted to know that this treatise is directed primarily to victors and provides no blueprint for the future surrender of the United States. The Air Force financed no subversion here. One may express mild astonishment that the Air Force should carry the financial burden, but the desirability and the accomplishment of the project itself are unquestionable.

More than two-thirds of the book is devoted to the four principal surrenders of World War II — French, Italian, German, and Japanese. There is evidence in each study that Mr. Kecskemeti has made a careful examination of the sources. He has skillfully abstracted the essentials of each complicated story and combined them in concise form and lucid, unaffected prose. Most important, he has not limited himself to description. He has interpreted and evaluated with vigor, but with proper recognition of human fallibility, including his own. As with George Kennan, he will not guarantee that adoption of the formula his thesis recommends would have produced perfect results, nor even wholly desirable ones. Nevertheless, right principles are preferable to trust in fortune.

Kecskemeti considers the French armistice "a successful bargain for both sides." Its potentially satisfactory effects were vitiated by the later progress of the conflict. One must hasten to add that this favorable view was based on the military situation and is not a judgment of moral issues.

The Allies applied the unconditional surrender policy to Italy on the premise that it was necessary to preserve moral integrity. It was hoped that there would be no loss of military expediency. "Its actual result was the loss of both," asserts Kecskemeti. The policy had to be abandoned eventually and Italy admitted as a co-belligerent. "The Allies' refusal to pay any politi-

cal price for surrender merely made the job of extricating Italy from the German clutches a more expensive one."

The surrender of Germany was the only one which strictly followed the principle of unconditional surrender. Despite great effort in the final stages of the war, the Germans were unable to create a rift between the U.S.S.R. and the western Allies. The failure "was greatly facilitated by the Allies' ingrained habit of looking at the war from an exclusively military point of view. Nothing was allowed to interfere with the unique objective of defeating the enemy." The Germans gained one thing only by their attempt to surrender to the West as they desperately resisted the Russian advance. The policy made it possible for two-and-a-half to three million civilians and combatants to flee from the eastern front to western Germany.

Japan fortunately escaped the full effects of the unconditional surrender policy. The American leaders finally agreed to the preservation of the monarchy. The author is convinced that without this concession the Japanese would have resisted invasion to the death. He asserts that neither the entrance of Russia into the war nor the savage destruction of the atom bombs brought about the Japanese surrender. Japan was already defeated, and this fact was widely recognized among the Japanese leadership after Saipan. There remained the will to resist and to exact a heavy cost unless the Emperor was spared. Kecskemeti lauds the American leaders, and particularly Ambassador Joseph Grew, for recognition of this fact. It required political courage and statesmanship to make the concession in the face of the bitter opposition in Congress and in the country. He decries the lack of communication with Japan on our part. And he castigates the Japanese for their gullibility with regard to the Soviet Union. The war dragged on because the United States didn't tell Japan the Emperor could remain and because Japan foolishly clung to a hope of Russian mediation.

With exceptions, Allied surrender policy had grave weaknesses. It was both unwise and unrealistic. It thought primarily in terms of punishment rather than the future peace of the world. In this view the aggressors were the only obstacle to peace. Consequently, the elimination of the enemy leaders and the suppression of their peoples were not only essential to victory, but were the cornerstones of a peaceful world. Germany and Japan would be crushed beyond hope of recovery, and this fate would be a permanent and effective object-lesson to potential aggressors everywhere.

Kecskemeti concludes with a thoughtful chapter on surrender strategy in the present nuclear era. A member of the realist school, he gives no hope for the early end of the power struggle nor the elimination of war. If he does not expect a peaceful moral world, he at least hopes for rationality. Should these hopes be justified, and he is quite aware they may not be, there will be no total nuclear war. The wars of the future, presuming a future, "can leave

no room for extreme settlements." The payoffs must be small even in high-stake wars. He recognizes that this will be particularly difficult for Americans who are denied by their traditions and character from the initiation of total nuclear war even if the opportunity presented itself, and who are also victims of a tradition that expects Utopia to emerge from every struggle. He rules out the inhuman solution for the United States, and he rightly concludes, "We shall have to revise some of our deeply-rooted traditional attitudes, such as our rejection of compromise and our faith in extreme, ideal solutions when the chips are down. In the past, these propensities served us well in some respects and played us nasty tricks in others. In the future they can only render us impotent to deal with political reality, and thus jeopardize our very survival."

M. R. MERRILL.

Utah State University.

Nightmare of the Innocents. By OTTO LARSEN. (New York: Philosophical Library. 1957. Pp. 240. $6.00.)

Otto Marinius Larsen, a Communist from the Finmark area of Norway, tells his story of service for the Soviet Union and imprisonment there. His story begins with the German conquest of Norway and his flight to nearby Northern Russia. There, the MVD enrolled him in espionage work, which led him to undertake a dangerous mission behind German lines after the Nazis' attack on the U.S.S.R. At the end of the war, Larsen returned home from a Swedish internment to his native village of Kiberg. In August of 1945, he returned to Murmansk (Northern Russia, not far from Kiberg, Norway) to retrieve some personal belongings he had left behind when he was on his mission for the MVD. He also wanted to get back from the Russians a boat, which his brother owned and which was left at Murmansk when his brother died there in 1943. Finally, he went there to terminate his espionage agreement with the MVD.

From this book, we learn that he suffered a fate common to many foreigners who found themselves on Russian soil; namely, arrest, followed by imprisonment, which later produced charges of espionage activities, and much later, conviction. Otto Larsen was told that he was convicted by a court, although he never appeared before any judicial body, nor was he given an opportunity to defend himself.

The major portion of this book relates the story of more than eight years of imprisonment in Russian penal camps. It is a tale that begins with unrelenting questioning, compounded by brutality. It is a tale of death or near-death brought on by hardship, starvation, grinding toil, bitter cold, and lack of medical treatment. It is a tale told quite without pathos or histrionics. It is a tale told by understatement. Larsen is not a sophisticated writer. His

training as a Norwegian Communist was obviously quite elementary, and the value of this book is not to be found in any perceptive analysis of the "why," the "wherefores," the "what fors" of the Russian forced-labor system. Even such important developments as the death of Stalin and the execution of Beria are no more than noted. One gets the impression that shortly after Stalin's death and with the demise of Beria, it is getting a little better, even a touch of humanity seems to creep into the prison. This volume is worth reading because it is a personal and human account of the reaction of a Norwegian Communist to the propensity of Russia for suspicion of even its most devoted admirers.

The answers to such questions as to why this senseless brutality — does inhumanity constitute a deliberate measure of Soviet policy, or is this a by-product of the absence of personal freedom in the U.S.S.R. — are not given here. Events are simply chronicled. The picture drawn here is an important facet of life under Stalin's rule. It leaves one to wonder whether this is changed. *Nightmare of the Innocents* further serves to point up the intimate connection between human dignity and democratic liberty. One puts down this book, forever thankful for writs of habeas corpus, for trial by a jury of one's peers; in short, for our Bill of Rights.

J. Leo Cefkin.

Colorado State University.

As Unions Mature. By Richard A. Lester. (Princeton: Princecton University Press. 1958. Pp. xi, 171. $3.75.)

This is a good little thin book. A sometime bureaucrat in the War Production Board, a member of many mediation and arbitration panels, a professor of economics, Lester writes this essay out of twenty years in industrial relations experience.

Although one chapter makes some comparisons from British and Swedish union experience the work is, in its author's words, "an investigation of the meaning and implications of union maturity in the American setting." His analysis is dynamic — itself a welcome departure from the static models of most economists — and the emphasis throughout is on the changing outlook, role-perceptions, and institutional behavior of local activists and full-time union officials.

In the three key analytical chapters Lester considers the increasing centralization in unions, the change in status and outlook of top union leadership, and the decline in militancy. These changes, combined with a mellowing of management (especially top firms which set the pattern of management attitudes) and the acceptance of unionism by middle-class opinion, produce a situation in which unions are more and more the collaborators with management in the enforcement of long-term, centrally negotiated

agreements. The strike, under these conditions, becomes a genteel and perfunctory weapon, if used at all. And the accent is increasingly on the use of experts and specialists in the bargaining process. All of this offers many relevant comparisons — some of them pointed out by the author — to recent sociological analyses by Whyte, Riesman, and Mills, and to what V. O. Key calls "the natural history of political movements."

To political scientists, Lester's repeated references to the politics of union management will be especially interesting. His discussion of similarities between unions and political parties is drawn together in his conclusion that "unions in their operations are obviously closer to political parties than they are to business enterprises. Consequently, the theory of union behavior should ultimately extract more sustenance from political theory than it has been able to draw from economic models based on the theory of the firm."

In a final chapter, "Implications for Public Policy," Lester argues that in the light of the changing character of American unionism the "Federal Government [why not the states also?] should have some sort of conscious policy toward evolutionary trends." He suggests that the role of government should probably be to encourage stability and responsibility in the labor movement rather than to seek a return to pre-World War II decentralization and inter-union rivalry. He counsels, among other things, the integration of union officials in public advisory and policy boards, and the governmental promotion of intra-union ethical and financial standards within a unified national movement.

The trends toward centralization, moderation, and bureaucratic specialization may be expected to continue. That the labor movement will be — and is rapidly being — incorporated into the developing society of monolithic middle-class conformity is perhaps just as certain as it is disturbing. Lester's book, as one commentary on this "evolution," is a stimulating contribution to the study of the political economy of our time.

University of Arizona. BERNARD HENNESSY.

Radicals and Conservatives. By WILLIAM M. MCGOVERN and DAVID S. COLLIER. (Chicago: Henry Regnery Co. 1958. Pp. 174. $4.00.)

This book follows a well-traveled road. It is part of the efflorescence of academic conservative thought (or "liberal conservatism," as the authors prefer) which has followed World War II. It is a document of opinion but the authors adopt and maintain an undogmatic approach to their subject.

The central argument proceeds from the proposition that liberalism is a two-fold tradition: simultaneous adherence to the principles of individualism and democracy is its necessary hallmark. However, the specific propor-

tions of individualism and democracy in the liberal mixture are not prescribed. Rather, a second proposition stipulates that the formula can result in both "radical liberalism" and "conservative liberalism," and that liberalism "is nonetheless a single movement and political philosophy, within a single tradition." But in spite of the legitimacy of both variants of liberalism the authors specify both a third proposition and an ideological objective in the following words: "We must confess, however, that while many of the tenets of the radicals are accepted by us, more often than not it is the conservatives rather than the radicals whom we find getting the best of the argument. Indeed, it is our hope that we shall be able to provide at least the beginnings of a coherent philosophy of conservative liberalism."

Demonstration of these propositions is sought eclectically in the whole doctrinal record of Western constitutionalism; but J. S. Mill is given the accolade of chief authority. Unfortunately, this wide foraging leads to an oversimplified and overgeneralized defense of the thesis. Nor are their brief appearances always fair to the political philosophers of history who are pressed into service. For example, it is certainly at least misleading to state that Locke "maintained that the sole function of the state is to repel foreign invasion and punish domestic crime."

In sum, the mood of the book is conversational rather than analytical. In this mood the book ends with the charge that "the practical application of the political philosophy of balanced freedom, which alone makes good government possible, is a never-ending, ever-changing task, requiring energy, intelligence, and humility." But "that government governs best which *balances* best."

THOMAS P. JENKIN.

University of California, Los Angeles.

The Political Uses of History: A Study of Historians in the French Restoration. By STANLEY MELLON. (Stanford: Stanford University Press. 1958. Pp. 226. $3.75.)

This book is an attempt to put the writing of history into the political context of the French Restoration of 1814–30. Its contents should be helpful for advanced students and for scholars whose world of historiography lies within the safe confines of classroom and seminar, with their emphasis on the writing of history for its own sake. The writers whose works are considered in some detail — Guizot, de Staël, Chateaubriand, Bonald, Lamennais, e.g. — did their work in the midst of political struggles over the meaning of the Constitutional Charter of 1814, the relations between church and state, the position of the Jesuits, and similar issues. The writing of history was for them not a quiet and scholarly activity but a means of political education for the small number of active citizens in whose hands lay the future

of France. The author makes it clear that the actual quantity of historical material published in France in an average year of the Restoration greatly exceeded the amount of writing in the field of *belles lettres*. While some of the increased interest in historical writing may be explained as "a reaction to the sterility of the Empire" or as an expression of Romantic nostalgia for the past, much of it arose out of the desire to clarify political issues. Under the circumstances, every man—or thousands of politically active men—became his own historian through writing or reading, or through attempts to recall and evaluate the events of French history, particularly since 1789. History written or spoken during the Restoration may be found in formal "histories," magazine articles, memoirs, and even in the debates of both houses of the legislature. The burden of each written or spoken history was determined by the future which the writer or speaker envisaged for France, and that future was inseparable from his own understanding of French history. For the Liberal the principal task was to justify the French Revolution without its violence; for the Ultramontane it was to defend the power of the Papacy in relation to secular monarchy; for the Gallican, the policies of Louis XIV and the Declaration of the Liberties of the Gallican Church. The author goes into these and similar matters in great detail with their numerous ramifications and interrelations. He makes little or no attempt, however, to describe the actual historical methods used by these politically minded historians or to show how their conclusions differ from those of objective historiography. Perhaps he considered this to be beyond the stated purposes of the book or thought that each reader would do it without aid.

The reviewer had expected that a book on the "political uses of history" would hold his interest throughout, but he was disappointed in his expectations. In most of the chapters the author seemed to be too much bound by his research notes and quotations, and unable to write good interpretive history from the residue in his mind. It became tiresome to follow the intricacies of numerous historical works that labored hard to prove dubious conclusions. In order to make the material seem alive to the reader, the author made excessive use of the present tense while summarizing the view of the various authors; and he made too many shifts from present to past tense — and back again — without gaining anything in the process. While he set out to throw light on the politics of the Restoration with the aid of Restoration historiography, the actual events of the period are taken for granted and numerous crises are mentioned only in passing. The author might have been wiser to inject more history into his treatment of historiography. It is therefore likely that a book based on a sound idea and extensive research will reach only an audience composed of specialists in French history and in the problems of historiography.

RONALD V. SIRES.

Whitman College.

The House Without Windows: France Selects a President. By CONSTANTIN MELNIK and NATHAN LEITES. (Evanston: Row, Peterson and Company. 1958. Pp. 358. $5.50.)

From the principal title one might conclude that this book is fiction; the opinion would not be too much in error, for fact sometimes beats fiction at its own game. A better treatment of suspense and intrigue than this account of the election of René Coty as President of the French Republic in December, 1953, is not easily come by. The authors have heightened the dramatic character of their narrative by using the present tense throughout as they follow hour by hour the events of the week-long struggle, creating a very lively and interesting book, although the style does pall on occasion and sometimes inconsistencies in it lend to confusion.

In its professional interest, however, the study is a concentrated example of politics *à la française*, wherein are poignantly exaggerated some very universal characteristics of political behavior. The French parliament is not the only "house without windows," but in no other place does ego gratification through a game of musical chairs seem to be pursued with such verve and finesse, to the virtual exclusion of other responsibilities. This is beautifully illustrated in the battles between practically all the French parties, and between the factions within most of them, in choosing a successor to Vincent Auriol, and the authors of this study, together with the sponsoring RAND Corporation, have performed a real service in presenting us with such a wealth of material concerning the event.

This material goes far beyond that normally available. The authors drew upon spectators and participants at the Congress, using a recorder to register the observations of informants "in a fresh, spontaneous form before they could be deformed by the passage of time," as well as official records, newspaper accounts, and later interviews with political figures. In attempting to catch history thus in the making the authors warn that they were "less interested in establishing the historical truth of the facts related, than in noting the sentiments, beliefs, and calculations they reveal." As the study is consequently a sometimes disconcerting mélange of diverse kinds of facts, it must be read carefully and should not be taken exactly as a history of the week's events. The result, however, is an excellent picture of the motivations and operating procedures of French parliamentary politics in the Fourth Republic which might not have emerged had a more limited historical method been used. The picture is tinted with psychoanalytic concepts, but the principal effect upon the reviewer was annoyance at the repetitious emphasis on more or less bloodthirsty turns of speech. The value of the study is fortunately not dependent upon the validity of the psychology, as the authors admit.

In an appendix is thoughtfully provided brief biographical material on the leading figures, information about the presidency and other institutions,

and a few selected statements by parties and leaders to indicate the diverse styles of French politics. The volume concludes with a summary in the form of a "Guide to the Rules of the Game" in French parliamentary life, with references to the pages in the text at which each "rule" is illustrated. *The House Without Windows* should be extremely valuable to all students of French politics, although events since May, 1958, should particularly prevent us from taking it as a complete picture.

WILLIAM H. HARBOLD.

University of Washington.

Dilemmas of Politics. By HANS J. MORGENTHAU. (Chicago: University of Chicago Press. 1958. Pp. x, 390. $7.50.)

Not the least of the evils visited upon Germany by Adolph Hitler was the emigration from her soil in the prewar years of thousands of intellectuals who have made, and continue to make, their important contribution in other lands. Hans J. Morgenthau of the University of Chicago is one of the most distinguished and influential of that eminent group of emigrés. He has now brought together in *Dilemmas of Politics* the essential core of his research and thought in the twenty-one years he has been in the United States. Here compiled are many of the articles and monographs that have been published in the journals through two decades. According to the author, they have been brought up to date and partly rewritten for the purpose of book publication.

Too frequently books of this type, and particularly one where the original production extends back over twenty years, display a grand indifference to coherence and unity. *Dilemmas of Politics* escapes this fate. In considerable degree, it could have been written by Professor Morgenthau as a single and separate unit, and in the last year. This is because the Morgenthau philosophy has not undergone any significant change in the period. Brooklyn, Kansas, Chicago, Berkeley, Harvard, the Air War College, the State Department have only served to refine and strengthen the opinion he held when he entered the United States. There are patriots who will be irked by such persistent devotion to what they would describe as European traditions. To this, Morgenthau would probably and properly reply that the tradition is as American as Franklin, Adams — father and son — Hamilton, and Lincoln.

Inevitably the dilemmas which demand the most attention are those which abound in the area of international relations. However, Morgenthau has some harsh strictures on political science in general and political scientists in particular. The absence of viable theory and the devotion to quantification and description suggests to him that much of political science today "has become a pretentious collection of trivialities." He insists that the empirical study of politics requires a philosophic framework, and that generally

it doesn't exist. Admittedly theory holds its place in the curriculum, but it is historical and traditional with little meaning for our time.

He has some excellent things to say about the pressures that require conformity from the political scientist. American political science has been superbly successful in achieving this conformity. To quote: "It is the measure of the degree to which political science in America meets the needs of society rather than its moral commitment to the truth that it is not only eminently respectable and popular, but—what is worse—that it is also widely regarded with indifference." He calls on political scientists to rededicate themselves to their moral commitment to discover and disseminate truth. This involves a sacrifice because such a course will be extremely unpopular. Political science at its best "cannot help being a subversive and revolutionary force with regard to certain vested interests—intellectual, political, economic, social in general."

Morgenthau defends his realist theory of politics, and particularly the concept of international politics as the national interest defined in terms of power, with his accustomed vigor. Utopians will find no comfort here unless they sense a weakening in this formidable antagonist as he vehemently, and with considerable reiteration, asserts his devotion to moral principles. But there is no real retreat. Rather he is more certain than ever on the basic point, although plainly he has been hurt by the attacks of his critics. It is unlikely that his protestations will be convincing to any but his followers and co-believers who need no assurance.

Chapter 18, titled "The Corruption of Patriotism," is a powerful attack on the security system which has plagued the State Department since 1953. He may overstate the disastrous results of the policy, but his denunciation of the program is completely convincing to this reviewer. He concludes, "Such, then, is the price we were paying for Executive Order 10450, as applied to the Department of State. It is a high price to pay. Paid for what? For nothing."

It is apparent that Professor Morgenthau had high hopes for the Eisenhower–Dulles team. The hopes have been dissipated. His disillusionment is complete. Good men are not *ipso facto* great leaders. He has only contempt for a "foreign policy by hoax." He calls for a government with "a sense of mission, that galvanizes its latent energies by giving them a purpose, that, in short, acts as the guardian of the nation's past and an earnest of its future." He sorrowfully concludes, "The nation has no such government now."

The book should be read, and read beyond the confines of the fraternity. Every page has something pertinent to say, and although occasionally repetitive, a Morgenthau characteristic, the repetition elucidates significant ideas. The breadth of his knowledge and the superior quality of his mind support the passion of his involvement. The general reader will find much of it difficult. Morgenthau is no popular essayist, and his vocabulary makes no con-

cessions. This is primarily a work of criticism — its prescriptions are hortatory rather than specific. But it must be admitted that it would require a considerable and joint effort to move forward from the shambles.

M. R. MERRILL.

Utah State University.

Justice Reed and the First Amendment: The Religion Clauses. By F. WILLIAM O'BRIEN, S.J. (Washington, D.C.: Georgetown University Press, distributed by Associate College Presses. 1958. Pp. 264. $5.00.)

Father O'Brien, in this brief book, essays an analysis of the constitutional philosophy and importance of Justice Reed who, for all his nineteen years upon the Supreme Court during a critical era, remains a relatively neglected figure. Unfortunately, the very worthwhile objective of this study is not realized. In part the defects of the book inhere in the limitations which the author imposed upon himself, and in part they derive from an unwarranted assessment of the data with which he deals.

As the subtitle indicates, Father O'Brien is primarily concerned with Justice Reed's opinions in cases involving the religious clauses of the First Amendment; and Parts I and II of the book are devoted almost entirely to a discussion of the cases in which the free exercise and the establishment clauses were interpreted. Such limited data does not warrant the very broad conclusions drawn in Part III, where it is argued that Reed is an exponent (perhaps unconsciously) of pluralistic democracy, a staunch supporter of federalism and of the separation of powers, and a practitioner of judicial self-restraint.

Moreover, one may question the validity of certain of the author's judgments concerning the materials which he undertakes to analyze: (1) Justice Reed, it is stated, was closely identified with the Roberts–Frankfurter–Jackson wing of the Court and was "a leader, if not *the* leader" of that bloc. The fact that these Justices demonstrated some affinity in voting in cases involving Jehovah's Witnesses scarcely supports the conclusion that they constituted a bloc in any general sense, and there is practically no evidence that Justice Reed exercised any special leadership within this so-called group. (2) In discussing the McCollum case Father O'Brien treats Reed's dissenting opinion as virtually unassailable on historical grounds. To be sure, the evidence marshaled by Justice Reed strongly challenges some of the sweeping historical generalizations of his colleagues, but a review of the intense and protracted debate between the co-operationists and the separationists both within and outside the Court is more suggestive of the futility of historical argument over the meaning of the establishment clause than of the validity of either viewpoint. (3) In one of his rare references to an opinion in which no religious

issue was involved, the author states that the Vinson opinion (in which Reed joined) in the Feiner case chagrined the "extreme liberals" who thought that the petitioner "should have been allowed to continue speaking even though the city might be forced to furnish a cordon of policemen to protect him." One need not look far for evidence that it was not only the extreme liberals who deplored the opinion. Justice Minton, whose solicitude for free-speech claims was not one of his outstanding attributes, dissented together with Black and Douglas, and Frankfurter concurred only in the result. Nor did the record in the case suggest that a "cordon of policemen" would have been required to protect the petitioner in the exercise of his rights.

Finally, Father O'Brien represents Justice Reed as especially concerned with the responsibilities of individuals in an ordered society. There is an implication pervading the book that the "liberals" or "libertarians" overlooked or minimized individual responsibility. Such may be the judgment of history. But the Court of the period 1948–52, when Reed and the Truman appointees constituted a generally stable majority, may be remembered less for its mindfulness of individual responsibility than for its forgetfulness of its own.

CLYDE E. JACOBS.

University of California, Davis.

Summit Diplomacy: Personal Diplomacy of the President of the United States. By ELMER PLISCHKE. (College Park, Maryland: Bureau of Governmental Research, College of Business and Public Administration, University of Maryland. 1958. Pp. viii, 125. $2.50.)

In the realm of foreign affairs it is the responsibility of the President, aided by his advisers and aware of pressure from Congress, the public, and tradition, to determine the foreign policy of the United States. Occasionally — and with increasing frequency in recent years — the President has taken a hand in the actual conduct of foreign policy, especially as it has involved other heads of government: by sending special representatives to consult them, by engaging in correspondence with them, or by meeting them at a conference. It is this dual role of the President in foreign affairs to which Elmer Plischke refers when he discusses summit diplomacy.

The majority of the chapters of this book examine the techniques used to achieve "the determination and publicizing of foreign policy and the management of foreign affairs at the chief of state or head of government level." Each of these chapters follows a similar pattern. First, there is a historical survey of the technique, a practice which tends to make this part of the chapter little more than a catalogue. Then follows a more detailed account of the use of this method during the Roosevelt, Truman, and Eisenhower administrations. Finally, the most valuable portion of the chapter analyzes and

evaluates the technique and illustrates it with selected examples from American diplomatic history.

Plischke concludes that Presidents have been most active in the conduct of foreign policy during times of crises. Thus many of the communications sent by them to other heads of government have been dispatched and most of the formal declarations of policy identified with particular Presidents have been made when the security of the United States or some other part of the world was threatened.

Plischke weighs the advantages and disadvantages inherent in the President's taking an active part in the mechanics of diplomacy, whether it be the writing of a letter to some other leader or attendance at a summit conference. He discusses at length the summit conference as an instrument of diplomacy and presents a number of thoughtful suggestions regarding the preparations for and the procedure at such top-level meetings. While summit diplomacy, including the conference, may solve some issue more rapidly than traditional diplomatic methods, it may commit the President prematurely to some agreement which requires more careful consideration. Moreover, the wrong kind of publicity for this type of diplomacy may obstruct future relations between countries.

Plischke has used standard secondary sources to document his historical surveys. For more recent aspects of American diplomacy he has relied heavily upon materials published by the Department of State and upon the memoirs of men who were active in the formulation and conduct of foreign policy. He has produced a volume which should stimulate further research to illustrate the manner in which Presidents have reached their decisions regarding foreign policy and have frequently been, to use his phrase, the "diplomat in chief" of the United States.

FRED H. WINKLER.

University of Idaho.

The Political Offender and the Warren Court. By C. HERMAN PRITCHETT. (Boston: Boston University Press. 1958. Pp. x, 74. $3.00.)

This little volume consists of the Bacon Lectures delivered by the author at Boston University in 1957. Students of constitutional law who have read with pleasure and profit Pritchett's *The Roosevelt Court* and his *Civil Liberties and the Vinson Court* will find it a worthy companion of those volumes. It deserves a place along with Learned Hand's *The Bill of Rights* and Carl B. Swisher's *The Supreme Court in Modern Role* as an analysis of the work of the contemporary Supreme Court.

The author discusses the extent to which and the process by which the Warren Court has upheld the rights of political offenders in Smith Act cases, committee investigation cases, Loyalty–Security cases, and in cases in which

states have denied such rights as those to practice law and to teach. As becomes an authority on the Supreme Court, Professor Pritchett avoids drawing unwarranted conclusions from its decisions. Thus, despite the Yates decision limiting somewhat the application of the Smith Act, he observes that the Act "is still very much alive, if the government wants to take the trouble to use it in accordance with the Supreme Court's restrictions." He also notes that, although the Watkins decision imposed some limitations on the breadth of the activities of congressional committees of investigation, "it is only by contrast with the Court's previous submissiveness that the Watkins ruling seems strikingly bold."

The author points out that, in granting relief in certain "quasi-punishment" cases like those arising under the Loyalty–Security program, the Court has often done so on narrow grounds rather than by invoking the Constitution. He does not criticize the Court for this, but he observes that the Roosevelt Court did not hesitate to broaden the constitutional meaning of bill of attainder in order to save Lovett and others from being removed from the federal payroll by act of Congress.

It is probable that many readers will find Pritchett's most significant contribution in his discussion of the "Obligation to Judge." The breadth and intensity of the recent criticisms of the Court, he maintains, "present in a very real way the risks which a system of judicial review incurs when it refuses to identify the higher law with current public sentiment." But he expresses reasoned opposition to any of the proposals to limit the jurisdiction of the Court and he suggests that the Court hold itself not so strictly to the self-restraint doctrine that it dare not render an opinion contrary to that entertained by a popular majority. He concludes that the Warren Court has rightly declined to use self-restraint as a cloak for judicial avoidance of controversy and that in so doing it is fulfilling its great function to "give a community the opportunity to measure its conduct alongside the yardstick of constitutional liberty."

State College of Washington. CLAUDIUS O. JOHNSON.

Ideal and Practice in Public Administration. By EMMETTE S. REDFORD. (Birmingham: University of Alabama Press. 1958. Pp. 155. $2.50.)

The outstanding trend in the literature of public administration during the last decade might be characterized as a revolt against traditionalism. Those of us who were brought up in a simpler age when "unity of command" and "span of control" were realities and efficiency was not a word of opprobrium, must confess some difficulty in adjusting to the new ideological dispensation. At times we may have felt that our ship was adrift on a sea of uncertainty. Now we can rest with some equanimity because we have entered

upon a new era in which the dogmas of traditionalism have been modified by the criticism of the younger generation of political scientists, and in which there is being established a new equilibrium which will probably become the traditionalism of tomorrow.

Professor Redford's lectures to the fellows of the Southern Region Training Conference are remarkable in that they have achieved a happy reconciliation in synthesis of the new and old wisdoms. Those of us who lived through the dark days of state and municipal corruption saw no reason to question what Redford calls the "double-E" movement (efficiency and economy). To it he credits the substantial improvements in public management which have tremendously strengthened our society in the last twenty-five years. But, in line with the new wisdom, he goes on to say that the administrator must make value judgments as to which the efficiency criterion must necessarily be neutral. To the prophets of human enslavement through the medium of large-scale organization, Redford would seem to say that American public law is generating its own internal due process; in a sense these are safeguards which the standards of freedom in our larger open society are influencing to develop within bureaucratic hierarchies. This is consonant with some recent sociological case studies which offer evidence suggesting that the American bureaucrat is not a power-hungry autocrat.

Redford seems to be more at home in discussing the first two chapters which deal first with efficiency and science and, secondly, the rule of law versus the discretion of men. Subsequent chapters dealing with human competency and democracy in administration and the public interest are more discursive but perhaps necessarily so by the very nature of their subject matter.

This set of lectures constitutes a scholarly production by a mature man who understands that the sweep of events in 1910 had its influence upon 1960. Someone needed to do this about this time; we are indebted to our southern colleagues for making this course of lectures available, along with those of Redford's predecessors in previous years.

JOHN M. PFIFFNER.

University of Southern California.

Collectivism on the Campus. By E. MERRILL ROOT. (New York: Devin-Adair Company. 1955. Pp. xii, 493. $5.00.)

Professor Root's book is a call-to-arms for defense of the nation's educational system against penetration by collectivists, Communists, collective leftists, leftists, left-wingers, far-left-of-rightists, liberals, pseudo-liberals, state liberals, liberal leftists, reds, pinks, near-pinks, World Federalists, dancers at the Lenin Memorial, defense counsel for the Rosenbergs, socialists, Fabian socialists, nonconservatives, non-Communist apologists for communism, theo-

logians of the political left, abstract intellectuals, and other designations of subversives. Persons fitting into one or another category range from Bulganin to Dwight D. Eisenhower; the list includes the presidents and past presidents of nearly every major university.

The author tells us that there are now about 1,673 avowed Communists in the teaching profession in the United States. Adding to genuine avowals of present or past membership persons who have pleaded the Fifth Amendment, the largest count I could make was 189. I tried to supplement the list from the list of educators in the Jenner Committee's *Report on Interlocking Subversion* printed in the appendix, but found that Professor Root's list interlocked with this list and was principally drawn from this source.

Whereas Communist philosophy is dominant in education and receives funds from biased foundations, the author's own philosophy of "conservative radicalism" goes unsupported; and teachers and students who are militant antisocialists are subjected to persecution and abuse.

The author is sincere and dedicated; and he is quite correct in thinking that a large percentage of educators oppose his opinions and those of his fellow "radical conservatives." And he is concerned about a very real problem. The issue of freedom is real; but it is also difficult. To equate freedom with freedom from government is an easy formula, and has a strong popular appeal; but there are problems it does not solve, and the idea that in some areas freedom can be increased by governmental action has been accepted by persons as sincere as Professor Root. The author's mistake is to suppose that only he is aware of the problem. Nevertheless the book is significant as the expression of a widespread opinion, and it provides wonderful insight into a thought mechanism which is prominent in current discussions of loyalty and subversion.

HARRISON R. BRYAN, JR.

Covina, California.

The Institutions of Advanced Societies. Edited by ARNOLD M. ROSE. (Minneapolis: University of Minnesota Press. 1958. Pp. ix, 691. $10.50.)

This book contains ten sociological descriptions and analyses of current advanced societies. The chapters on the United Kingdom, Australia, Finland, Poland, Yugoslavia, Greece, Israel, France, Brazil, and the United States are written by different contributors, mostly sociologists from the societies reported on. Selection was based on availability of analysts. Although most of the countries are European, the selection is an interesting one and one that permits many useful comparisons.

Written largely in a semitechnical way, the collection is designed primarily as a textbook for introductory courses on social organization or social institutions. The reviewer thinks it could be used as a textbook, or at least for sup-

plementary reading, in either comparative politics or comparative administration courses. It would give a useful and much broader background than is usual for such courses.

Dr. Rose has done a skillful job of editing. The format is pleasing. Each chapter is self-contained, with both notes and supplementary readings included. The style is interesting and reasonably uniform. There is some variety in the approach to each country, but the same sorts of topics (demography, social structure, economics, law, politics, religion, family, education, values, national character, etc.) tend to be covered in all the chapters. So country comparisons are possible but they seldom are made explicitly.

In the introductory chapter, "The Comparative Study of Institutions," Dr. Rose sets the stage theoretically for the primarily descriptive, country chapters. This is too big a job for thirty-six pages, and no really unifying point of view emerges nor is promised. But the chapter is a compact survey of some problems and concepts of comparative social analysis. The country descriptions, although largely sociological, include anthropological and psychological materials, as well as political science and economic data.

WAYNE W. UNTEREINER.

USOM, Iran.

The Supreme Court as Final Arbiter in Federal-State Relations. By JOHN R. SCHMIDHAUSER. (Chapel Hill: University of North Carolina Press. 1958. Pp. viii, 241. $5.00.)

In any federal system there is obvious need of some mechanism for continuous definition of the boundary lines between national and state powers and the handling of conflicts between the two "levels." In this country, as in several others, this has been predominantly a judicial function, although the exercise of judicial authority in this fashion has rarely occurred without public (and not uncommonly violent) controversy. Contemporary fulminations against "judicial usurpation" point up sharply the durability of intergovernmental tensions surrounding the use of a judicial arbiter.

Professor Schmidhauser has provided in this book an excellent analytical study of the origin of the United States Supreme Court's power in this area and of the manner in which that power has been exercised throughout 160 years of history. In the face of perennial challenges by "states-righters" of the legitimacy of the Court's role as an umpire in national–state relations, it is ironic, as the author makes convincingly clear, that it was the states-righters in the Philadelphia convention and the ratifying conventions who were primarily responsible for establishing this power. The nationalists vigorously sought a congressional power to negate "improper" state laws and accepted the idea of an impartial judicial arbiter only with the greatest reluctance.

The intent of the framers, once this compromise had been accepted, is hardly open to doubt.

The belief of the early states-righters that a judicial arbiter would constitute no more than a mild check upon the states was to be rudely shattered, but not alone by the Marshall Court, as is often assumed. Definite nationalizing tendencies were clearly evident during the formative period of the Court, and it is contended that even the Taney Court has been improperly stereotyped as a "states-right court," although it was certainly more favorable to the states than its predecessor. From Schmidhauser's thorough and careful historical presentation, involving primarily analysis of the multitude of decisions affecting the various aspects of national–state relations during the regime of each chief justice but also taking into account both the times and the characteristics of the judges themselves, there emerges a distinct picture of the steady expansion of national power relative to the states and the continual accretion of the judicial power of supervision. To this every court contributed, though in varying directions, to different degrees, and from diverse motives.

The book contributes less in the way of new information than in a very useful organization and interpretation of materials on the subject. It is readably written and reasonably comprehensive without being burdensome. While it is not possible through study of a single country and in the absence of experience with alternatives to answer unequivocally the question of whether a *judicial* arbiter is necessary to a federal system, the author suggests both its advantages and the manifold difficulties which result. This volume is a worthwhile contribution to the growing body of literature on federalism, and can readily furnish a base for further comparative studies in this area.

ROBERT L. MORLAN.

University of Redlands.

Underdeveloped Areas. By LYLE W. SHANNON. (New York: Harper & Brothers. 1957. Pp. xi, 496. $6.50.)

The subject of this book is broad indeed. It concerns the society, economy, and government of two-thirds of the world's population and land area. Primary focus is on the problems and the modes of development of the backward countries.

The text consists of a series of articles reproduced from many professional journals, with appropriate introductory remarks by the editor. Despite the fact that the volume is a book of readings, it conveys the impression that the subject has been treated in a comprehensive and balanced fashion. Coverage includes: political problems; population characteristics; education and media

of communication; cultural, economic, and financial problems; methods, alternatives, and difficulties of developing backward economies; technical assistance programs; and the measurement of backward-area development. It is an interdisciplinary book, and contributions come from scholars in every field of the social sciences. Many of the authors are administrators and participants in programs concerning underdeveloped areas. The book, therefore, contains a wealth of information from a variety of viewpoints.

The two-thirds of the world this book is about is the two-thirds of the world least studied by social scientists. This is particularly true in political science where the concentration has largely been on the more powerful industrial nations. The increasing importance of the accomplishments and aspirations of the backward regions means that political scientists and others of the social science fraternity need to devote more effort to accumulating and analyzing data about them. This book emphasizes that much of the research should be interdisciplinary in character. Certain major problems of interest to political scientists and requiring further study concern appropriate institutions and processes of government, development and functions of the public service, population control, and the role of government in underdeveloped societies. These are extremely significant questions not only for the backward areas themselves, but also for the industrial nations who wish either to help them or control them.

This collection of readings indicates that research of importance on underdeveloped areas all over the world has been accomplished in recent years, and that more is going on. The author has done a service by collecting the published results of some of this research in book form. The vast majority of the articles are uniformly excellent; a few are not at that standard. Most of them may be considered to fall in the fields of anthropology, sociology, and economics rather than political science. But all are of great significance for the background and leads they may furnish to political scientists and especially administrators in the field.

To the political scientist, however, it may be something of a disappointment that more was not included on governmental problems of backward areas. Probably, for example, more space should have been given to problems of the functions, organization, powers, staffing, and operation of the public service in underdeveloped regions. This is — and will certainly continue to be — an extremely significant, perhaps even crucial, phase of improving backward economies, since so much is expected of government in these countries. Perhaps, however, this lack only indicates the absence of material on the subject, and emphasizes the necessity of future research.

RICHARD BIGGER.

San Diego State College.

Codetermination: Labor's Middle Way in Germany. By ABRAHAM SHUCHMAN. (Washington, D.C.: Public Affairs Press. 1957. Pp. vi, 247. $4.50.)

As developed in chapter 1, codetermination is designated "as a form of economic democracy in which workers or their representatives 'co-decide' all matters within the plant and enterprise or under the jurisdiction of quasi-governmental agencies, and are consulted before manpower, social welfare and economic decisions are made and executed by parliamentary bodies."

Professor Shuchman provides a comprehensive analysis of the German venture into codetermination. The book is basically divided into three parts: (1) the background to the 1951 laws; (2) the 1951 laws themselves; and (3) the implications of codetermination. Parts I and III will probably be of most interest to the general reader.

As an idea, codetermination is not new to Germany. German labor's fight for co-decision has an interesting history — a much longer history than many people realize. The author's chronicle is most revealing concerning the ins and outs of labor-management-government politics. The issues, the problems, and the frustrations of German labor experienced under the German Empire, the Weimar Republic, and the military occupation seem to differ only in terms of people and time. Developing the background story of codetermination, the author has placed a proper emphasis on the rationale or theory behind the actions and attitudes of both labor and management. Of special interest is the relationship of the concept of economic democracy to corporatism and the discussion of the variations of German corporative theory.

After suppression of the trade-unions by Hitler and after World War II, the idea of economic democracy was merely revived. The result was the codetermination laws of 1951. Part II of Professor Shuchman's book presents the specific laws enacted in 1951 in terms of details about changes, compromises, procedures, and related problems. One might have enjoyed more information about the "inside" political struggles and the legislative processes by which these laws were enacted, but the author is justified in minimizing such considerations in this volume. His purpose is to describe codetermination which he does very well in view of the elaborate mechanism for its organization. An analysis of the laws reveals that "nowhere does labor have such extensive rights in matters usually regarded as managerial prerogatives." However, "when one looks beyond the mechanism to the essential rights for labor . . . one must conclude that these are almost entirely rights of co-operation, not rights of codetermination, and certainly not a right of co-decision."

Part III concludes the volume with an analysis of codetermination's potential influence on other aspects of the economy. Special treatment is given in short chapters to the implications of codetermination for private property, full employment, democratic planning, productivity, and the distribution of income. Each of these sections is informative and very thought-

provoking. Chapter 17 ("Corporatism and Socialism") presents the significant conclusion that German "Social Democracy has dropped its advocacy of highly centralized planning, and has replaced it with advocacy of central economic management combined with decentralized administration. However, recognizing that a managed economy need not be democratic, . . . Social Democracy has supplemented its demand for a managed economy with a demand for institutions which it believes will assure economic decision-making based on democratic values, directed at freedom and justice, and arrived at through democratic procedures. . . . Thus, codetermination on the state and national levels of the economy has become, in the creed of German Democracy, the *sine qua non* of democratic economic management."

Shuchman has produced a useful contribution to the Public Affairs Series on Economic Problems. His book is based on extensive use of German materials, first-hand information, and his personal contact with many participants; but most importantly his work rests on a sound academic background that combines theory with factual data and that maintains an objective view of the subject. Academic circles will find the volume helpful; likewise, this book can be provocative as well as informative to many of the lay community. This is especially true in the United States where the challenge of labor-management problems has not yet been fully met and where labor corruption has led to a "holy" crusade for "right-to-work" laws. The more mature political democracy may some day discover that the politically less mature Germany can provide ideas, and by that time practices, helpful in dealing with the problems of a mature economic democracy.

LEROY C. HARDY.

Long Beach State College.

British Pressure Groups: Their Role in Relation to the House of Commons. By J. D. STEWART. (London: Oxford University Press. 1958. Pp. xii, 273. 30*s*.)

Mr. Stewart's volume is a useful addition to the study of British pressure groups as they influence public policy. It emphasizes group tactics and ignores questions of organization and structure. The title is misleading in that the author treats more than the relations of groups with the House of Commons.

British Pressure Groups distinguishes groups with major demands from those which "merely seek to escape the minor frictions that exist and which government intervention can either ease or increase." A continuum of group activities between these polar extremes is discerned, yet the stability of British government depends on the fact that almost all groups including the most important ones are more of the second type than the first. Furthermore, the

measure of effective group action is not the grandiose campaign it can launch, but rather the consultations with the Government or Administration that it invites. This depends as much on expert knowledge as numerical or financial strength.

Two particularly interesting features of this book are the treatment of the House of Commons as a group and the question of sponsored candidates and "slush funds." Apparently discussions within the Halls of Westminster have a humanitarian impact on the honorable members which is reflected in the private member's bills. On capital punishment and prevention of cruelty to animals legislation party discipline is greatly relaxed in consequence.

For the comparisons with United States controversies surrounding Mr. Nixon's slush fund that are invited, the issue of sponsored candidates is perhaps more significant. The author suggests that outside help in the form of financial or secretarial help to M.P.'s has not become contentious because the votes in the House of Commons are rarely "crucial" in the policy-making process. Yet the author explains that the historical reason for the large number of sponsored Labour candidates from the railway unions is that these M.P.'s were in a position to object to the private legislation required for the railway industry. The unions used the M.P.'s position to bolster their bargaining strength with management. It remains for some future scholar to make an incisive analysis of the differences between American and British political mores, a job Mr. Stewart properly did not undertake.

Methodologically, it is curious that the systematic study of pressure groups should have come to England only recently, as a fragmentary bibliography suggests. Our own pressure group studies dating from Herring's path-breaking *Group Representation before Congress* were very much an adaptation of British pluralistic theory, with its dichotomy of individual and authority, to our own political experience. However, on English soil pluralism became attenuated as its exponents tasted political authority (or the wilderness of Marxism), and it is only recently that this same tradition is returning to England under the aegis of Professor Mackenzie and Mr. Stewart. It is only fair to add that in the United States the framework has been altered to an older pragmatic tradition of Bentley which is both more systematic and more revealing of the political process.

As a consequence of this methodology, the author has limited himself to "a study of proper, official, and recognized activities" between 1945 and 1955. He doubts that there is anything "underhanded" and he finds "the constitutional and open activity . . . so important . . . that there is no space or need to venture into a shadowy half-world." However, the book is much better than its method.

RICHARD W. TAYLOR.

Coe College.

PR Politics in Cincinnati. By RALPH A. STRAETZ. (New York: New York University Press. 1958. Pp. xvii, 312. $5.00.)

Everyone who knows anything about American municipal affairs knows that ever since 1926 Cincinnati has been at or near the head of the parade of good city government in the United States and that, in terms of forms, its success has generally been ascribed to the combination of proportional representation and the council-manager plan. Egged on by Professor F. A. Hermans of Notre Dame, who has almost made a career out of fighting the "evils" of PR, the partisan opponents of proportional representation (largely Republican) finally succeeded in 1957 in restoring the traditional majority-minority system. What this change portends for the future no one can be sure; but what PR meant in political actuality (as distinguished from imagination) during the thirty-two years from 1925 to 1957 may now readily be discerned by anyone who will take the time for a careful reading of Professor Straetz's book.

Begun long before the campaign of 1957 in which PR was defeated, the research embodied in the study ranges over all the major topics calling for investigation: the selection and make-up of successive councils; the record of legislative activity (involving, the record shows, far less conflict and far more co-operation than the critics alleged); PR and the mayoralty; party vs. group influences in the council; PR in relation to outstanding election issues such as (a) municipal services; (b) personalities and "out-of-towners"; (c) the city manager; (d) communism; and finally, the mechanics of PR.

Like most political scientists, Straetz regards the Hare theory of PR sympathetically, but this does not prevent him from puncturing the extravagant claims sometimes advanced by spokesmen of the Proportional Representation League. In short, this is a careful study of one of the most significant and successful experiments in American city government. The author's conclusion is that though "PR is no panacea . . . it deserves a hearing and re-examination." The reviewer's conclusion is that *PR Politics in Cincinnati* deserves a wide reading.

JOHN A. VIEG.

Pomona College.

The D.A.R.: An Informal History. By MARTHA STRAYER. (Washington, D.C.: Public Affairs Press. 1958. Pp. viii, 262. $3.75.)

Students of group politics in the United States would welcome a thorough study of the Daughters of the American Revolution — one, say, as analytical as Oliver Garceau's book on the American Medical Association. With the D.A.R. headquarters in Washington, where their annual conventions can be

fully covered by the press associations, their resolutions and the statements (sometimes absurd) of their Presidents-General are national news. Several Presidents of the United States have delivered major policy addresses to the annual conventions of the Daughters. This book, however, is intended as a journalistic account of the organization; it never gets very deep into the internal politics of the group or into the effect the organization has upon American public opinion. Serious students will find another frustration: scores of quotations, statements — even poetry — are presented with incomplete or no documentation as to author, date, place, or occasion.

For all the noise they make and for all the attention they attract, the Daughters of the American Revolution form a fairly small organization in a nation of huge groups: the President-General for 1957 reported 185,997. Growth, moreover, has been slow; only 24,000 members have been added since 1930. Perhaps present-day women are not keenly interested in ancestors.

The organization is not as old as perhaps some people would suppose; it was established in Washington in 1890 by two widows; a boarding-house keeper, and Miss Eugenia Washington, a government clerk who was a great-grand-niece of George Washington. In its sixty-eight years, the organization has developed, as might be expected, a great interest in genealogy. It has also worried about how American history is taught; it has favored severe restrictions on immigration; it has been dubious about the League and the UN, and one of its favorite menaces seems to be UNESCO. It has always favored military preparedness and a strong nationalistic tone in international affairs.

No D.A.R. action before or since has produced the attention the society received when in 1939 it refused to rent its Constitution Hall, the only large concert hall in Washington, for a concert by the famous Negro contralto, Marian Anderson. The refusal caused Mrs. Franklin D. Roosevelt to resign from the D.A.R. and gave Secretary Harold Ickes the opportunity for one of the greatest political coups of all time: he invited Miss Anderson to sing, as she did, from the portico of the Lincoln Memorial.

The iron law of oligarchy seems to operate in the D.A.R., according to Miss Strayer. Delegates come to the annual Congress with no idea of what resolutions the national leadership will ask them to approve. The resolutions committee meets behind closed doors and votes in secret; and the resolutions it reports "are approved almost unanimously by obedient delegates. Under the rules rigidly limiting debate, there is little chance for successful opposition. . . . Resolutions that provoke vigorous outside criticism whiz through the Congress. . . ."

DAYTON D. MCKEAN.

University of Colorado.

Participation in Union Locals. By ARNOLD S. TANNENBAUM and ROBERT L. KAHN. (Row, Peterson and Company. 1958. Pp. xii, 276. $5.50.)

This analysis by members of the Michigan Survey Research Center is tedious and doesn't tell us much. It studies four union locals in four different industrial companies. Questionnaires are used to determine the characteristics of union "active" and "inactive" members. The information is presented in exhaustive (and exhausting) manner.

Apparently the main conclusion is that we should think less of the distribution of control within a union and more in terms of the "total amount of control exercised." "The problem of increasing membership control in unions is a problem only partly in the hands of members and leaders; part of the answer lies in the social and economic environment within which the union functions."

Frankly the above conclusions leave the reviewer dazed. He cannot find out what "total" control is, nor is he sure what the writers mean about environment.

Some of the minor conclusions may be more informative. "Active" union members tend to be "ascendant, outgoing, and social." In some locals the active member is a more skilled worker, with greater seniority, older, more often married, and more satisfied with his job. He does not appear to be motivated by feelings of aggression or hostility towards management, nor to have any great sense of class consciousness. By and large his stake in his job appears to be the important factor. Active unions (measuring activity by attendance) command greater loyalty from their members, more interest in their internal operations, more interest in their elections.

There is some valuable material in this book but the reader must work hard to find it.

GEORGE C. S. BENSON.

Claremont Men's College.

The Trouble Makers: Dissent over Foreign Policy. By A. J. P. TAYLOR. (Bloomington: Indiana University Press. 1958. Pp. 207. $3.50.)

The Trouble Makers is an account of the influence upon British foreign policy between 1792 and 1939 of political and intellectual figures who not only disagreed with British policy but dissented from its objectives and principles. "The Dissenter repudiates its aims, its methods, its principles. What is more he claims to know better and to promote higher causes, he asserts a superiority, moral and intellectual." To British Dissenters in 1917, Wilson appeared "to be that impossible thing — a Dissenter in power." But Wilson was the natural leader of a nation reared in Dissent which could still afford the luxury of having no real foreign policy. Britain could not.

Who were the British Dissenters and what did they stand for? Charles James Fox who denounced Britain's intervention in the wars of revolutionary France as risking "the blood and treasure of this country in every quarrel and every change that ambition or accident might bring in any part of the continent of Europe." Bright and Gobden who denounced the Crimean War as an inexpedient and inefficacious means of preserving the "liberties of Europe." Crimea was a fiasco and in 1864 the vindication of their judgment restrained Palmerston from honoring Britain's obligation to Denmark in its struggle with Prussia over Schleswig-Holstein. Taylor suggests that from 1864 to 1906, due in part to Dissent, "no British government seriously contemplated armed intervention on the continent of Europe." The Boer War gave Lloyd George and the Radicals within the Liberal party a Dissenting plank in foreign policy from which they jumped to power in 1905. In 1914 Dissent included a distinguished roster of British intellectuals and public figures—Norman Angell, Bertrand Russell, Hobson, Brailsford, Lowes Dickinson, Ramsay MacDonald — grouped in and around the Union of Democratic Control and led by E. D. Morel. They attacked the war as an unnecessary product of Foreign Office machinations and argued that Germany would negotiate if Britain would only cease prolonging the war for the sake of the subject nationalities in Austria-Hungary.

According to Taylor, Dissent has typically viewed the reigning foreign policy as a function of adherence to evil and outmoded patterns of diplomacy which the government, and in a larger sense the ruling class (the Establishment), in its reactionary way is unable or unwilling to overcome. Dissent has blamed Britain's major involvements (1791, 1853, 1914) successively on blind adherence to the balance of power, to the Concert of Europe and to the rigidity of the 1914 alliance system, each the evil result of secret diplomacy and the thwarting of the good will and sense of the people. Tom Paine voiced the credo of Dissent when he argued that "Man is not the enemy of Man" and that wars are caused "through the medium of a false system of government." Governments promote war "as it easily furnishes the pretense of necessity for taxes and appointments to places and offices." In 1858 John Bright vindicated his opposition to the Crimean War and gave classic expression to Dissent in a great address at Birmingham wherein he declared that "this foreign policy, this regard for 'the liberties of Europe' . . . ; this excessive love for the 'balance of power' is neither more nor less than a gigantic system of outdoor relief for the aristocracy of Great Britain."

The onset of World War I Dissent attributed to the iniquity of an alliance system which, while it served the interests of the capitalists, represented the handiwork of the secret diplomacy and the Foreign Office. Dissent did not immediately or enthusiastically endorse the League of Nations idea because it seemed to smack of power politics and militarism! Ramsay MacDonald

only said at greater length what every Dissenter believed: "that the peoples of the world had no quarrel with each other and that peace would be secured by democratic government, rather than by the League of Nations." Only as the League idea promised to make the defeat of Germany unnecessary did it win acceptance among the hard-core Dissenters and then only temporarily. In the end its creation was fraught with disillusionment for the Dissenters (witness the explosion of J. M. Keynes, *Economic Consequences of the Peace*) because it was tied to the Versailles settlement which appeared to make Germany the victim of the passion and greed of the victors.

The Dissenters of 1918, ostensibly with the enccouragement of Lloyd George, who was playing a typical double game, were the first to blight the British conscience with an unhealthy sense of guilt that Germany had been unjustly treated, that France was vindictive and power-hungry, that a great mistake had been perpetrated in overthrowing the noble edifice of Austria-Hungary only to replace it with congeries of small mongrel states.

Noble and valuable though the League's intent might be, it never redeemed the iniquity of Versailles in Dissenter eyes until Hitler proved uncivilized and insatiable beyond reason. Until then the foundations of the Versailles order were the object of Dissenting attack almost as furious as that mounted against secret diplomacy. When Hitler left the Disarmament Conference, occupied the Rhineland, and perpetrated other violations of Versailles and Locarno, Dissenters drew the moral that further concessions should be made in order to win him back again! Taylor's judgment upon this sorry spectacle is not an inspiring one: "At least the Dissenters urged concessions when they might have had some effect; the Conservatives made them when they had lost all purpose."

True to his profession most of Taylor's judgments about the Dissenters and the validity of their position are imbedded in the narrative. They are worth examining. The insistence upon the iniquity of relations between governments and the virtue of relations among people has had a long and unhappy history in the politics of Dissent (as every student of Wilson knows). So long as people are organized as nation-states government will be the ultimate arbiter of their destiny no matter how loudly one tries to talk over its head. Secondly, Dissent lends itself too readily to irresponsibility. While it is true that the balance of power and cabinet diplomacy have proven thoroughly inadequate, it is no good to stand aloof and ignore crises until they end up on one's front doorstep.

Faith in the abstractions of a creed frequently destroyed Dissent's capacity for political objectivity: the behavior of Russia, of Germany and of France was all too often praised or condemned not in the context of political situation which confronted them but according to how they lined up with the doctrines of Dissent. Taylor demonstrates just how farfetched and dangerous

this mode of analysis could become. Since prewar Germany had gained the least from imperialism she was the least to blame for World War I. When France insisted upon security before disarmament after 1919 she became the object of censure and Germany was found to have been victimized. The same mode of analysis often led the Dissenters to advocate a callous, irresponsible, and unreal policy toward the small nations of Europe. The aspirations of Poland, Czechoslovakia, and Serbia were treated just as cavalierly as those of Ireland and with the same sickening consequences. No wonder Taylor calls them the Trouble Makers.

No one reading this study can fail to appreciate the service which Taylor has performed in giving us a truer estimate of the role which "Dissent" has played in contemporary European diplomacy. Along with the main story there are many valuable insights into the behavior of various individuals and parties, of which his treatment of Lloyd George, Ramsay MacDonald, Arthur Henderson, J. M. Keynes, of the Labour Party, of President Wilson, and of his fellow historians, living and dead, are not the least astringent and exciting.

DAVID S. MCLELLAN.

University of California, Riverside.

The Struggle to Unite Europe, 1940–1958. By ARNOLD J. ZURCHER. (New York: New York University Press. 1958. Pp. xix, 254. $5.00.)

In his contribution to a slowly growing literature on European integration, Professor Zurcher has shaped events in a progressive development from the activities of Count Coudenhove-Kalergi at N.Y.U. through Winston Churchill's famous Zurich address of 1946 to the Council of Europe, the European Coal and Steel Community, EDC, EPC, Euratom, and the Common Market. Each of these events or projects receives praise while the failure of EDC and EPC are regretted. No preference is stated for any of the numerous approaches to European integration, but the growth of the Europe of the "little six" holds most of the author's attention.

The goals of integrationists in 1958 are said to be "economic rationalization, avoidance of intracontinental political rivalry, security . . . , compensation for the loss of colonial power, and equilibration of the states of western Europe with . . . giant powers." Significantly, it was the Suez fiasco which helped mature the notion of Europe as a "third force." On the other hand, the success of ECSC is thought to be the greatest asset of the European movement. The support of public opinion is judged to be of lesser significance than responsible and enlightened leadership. Greater emphasis is placed upon individuals than upon national policies, and it is only the opposition to European unity that is explained in terms of special interests.

One may quarrel with the omission of many details, with the choice of 1940 as the date of an important historical turning-point, with the bold inference that public opinion is in support of European integration, and even with the author's optimism. Optimism is not in itself a "bad" thing, but it is not justifiable if based on the hope that "politics" can be abolished: "The political authority in such a union will, moreover, have to summon more courage and political integrity than is currently being displayed in the proposed member states if such authority is to deny the temptation to yield to one of the greatest of contemporary political evils, namely, that of resorting to political power in the attempt to achieve almost any social or economic goal."

Despite these difficulties and the fact that organizations like OEEC, EPU, ECE, NATO, and WEU are touched upon only in passing, this book is a useful and up-to-date primer for the beginner in European integration.

LEONARD BINDER.

University of California, Los Angeles.

NEWS AND NOTES

Programs to strengthen teaching about Asian and other non-Western countries for American college undergraduates will receive grants totaling $376,000, the Ford Foundation has announced. The total includes initial grants to Indiana and Denison Universities, the University of Vermont, and Haverford College to test different approaches in developing more effective teaching.

The new grants extend to the undergraduate level the support the Foundation has given for several years to graduate schools for teaching and research on areas about which American knowledge is limited. These areas include Asia, the Near East, Africa, the Soviet Union, and Eastern Europe. Two graduate-level grants for this purpose have also been announced — $249,000 to the University of Chicago for its research and training program on South Asia, and $150,000 to Yale University for its similar program on Southeast Asia. In addition, the Asia Society was given $175,000 for developing American-Asian educational and cultural relations.

Unlike the grants to Chicago and Yale, which stress training of area specialists, the grants for developing undergraduate instruction on non-Western countries aim at broadening existing liberal-arts curricula.

Appointment of a motor vehicle director and the naming of a director of the Department of Finance and Administration were announced by Governor-elect Mark Hatfield of Oregon.

Freeman Holmer, 41, director of elections for the Department of State and a former management analyst for the Finance Department, became director of finance and administration. Holmer attended Concordia College and the University of Oregon and has taught business and public administration at both New York University and Willamette. He was a member of the "Little Hoover Commission" advisory committee, and has served as secretary to several legislative interim committees. He is currently president of the Salem chapter, American Society for Public Administration, and chairman of the Research and Development Committee, Citizens Conference for Intergovernmental co-operation.

Vern Hill, chief of police for the city of Eugene, Oregon, and a twenty-year veteran with the state police, will take office as motor vehicle director in the new administration. Hill, 47, who has been chief of police at Eugene for four years, devoted twenty years previously in state police service in Salem and Eugene. In Eugene he was the sergeant-in-charge of the area state police headquarters after working out of the Salem headquarters. He is a native of Newberg, Oregon.

About twenty leaders and scholars from Yugoslavia will study and travel in the United States during 1959 and 1960 with funds provided by the Ford

Foundation under its program to strengthen educational and cultural relations between East European countries and the West. The Yugoslav exchange project is one of several activities supported by the Ford Foundation to increase international understanding. A major part of this effort has been assistance for travel and study abroad by Polish nationals.

A projected two million dollar building program for Saint Mary's College, California, was announced today by Brother S. Albert, F.S.C., president of the College. The expansion program, scheduled to cover a ten-year span, would include the construction of two new residence halls, an enlargement of the gymnasium, a student union, a theatre–fine arts building, and a new library.

A survey of investigations in progress in the field of Latin-American studies is being co-sponsored by the Department of Cultural Affairs of the Pan American Union and the School of Inter-American Studies of the University of Florida. Questionnaires have been sent to faculty members and graduate students in all disciplines, and to independent scholars and researchers who may have investigations under way connected with Latin America. Those who do not receive questionnaires through the mail are urged to request them from the School of Inter-American Studies, University of Florida, Gainesville, Florida, in order that the published results may be as complete as possible.

The Secretary General of the United Nations put into effect on February 1, 1959, a substantial reorganization of units of the secretariat. As a result, the activities in public administration are now directly responsible to the Secretary General through an Office of Public Administration, directed by Dr. Hugh L. Keenleyside (Canada), former Director General of the U.N. Technical Assistance Administration, and holder of the Haldane Medal of the Royal Institute of Public Administration (U.K.).

J. A. C. Grant, Dean of the Social Sciences at the University of California, Los Angeles, has been invited to deliver the Gaspar G. Bacon Lectures on the Constitution of the United States at Boston University in October, 1959. He has also been granted a year's leave of absence from the Department of Political Science to accept a Senior Research Award in American Governmental Affairs under the auspices of the Social Science Research Council. He will pursue research on the constitutional problems of American federalism and continue his previous investigations of guild practices. The work will be carried on at U.C.L.A., Harvard, and in Washington during 1959–60.

Robert G. Neumann, currently acting director of the Institute of International and Foreign Studies at the University of California, Los Angeles,

has accepted an appointment as director of the Institute of International and Foreign Studies.

H. Arthur Steiner of the University of California, Los Angeles, has been invited to deliver the annual East Asian Research Lecture under the auspices of the Committe on Drama, Lectures, and Music of the University of California, Santa Barbara.

Professor Tom Truman, whose article appears in this issue, is the author of "Catholic Action and Politics" to be published soon by Georgian House, Melbourne, Australia.

Robert E. Elder's article entitled, "Soviet-American Tension: A Reassessment," which appeared in the December, 1957, issue of the *Western Political Quarterly*, has been reproduced in mimeographed form by the Upperclass Core Program of Colgate University, Hamilton, New York.

The National War College, Washington, D.C., has reproduced three articles from the *Western Political Quarterly*. They are: "Neutralism and Neutrality in Scandinavia" by I. William Zartman, June, 1954; "The Party Potpourri in Latin America" by Russell H. Fitzgibbon, March, 1957; and "North Africa and the West" by John A. Marcum, June, 1957.

C. Dale Fuller, Chairman of the Department of International Relations and Director of the Social Science Foundation of the University of Denver, has been appointed Vice-President of the Foreign Policy Association. He began his duties with the Association in early May.

The Western Political Science Association Directory for 1959–60 is: John A. Vieg, President, Pomona College, and Claremont Graduate School; Leo C. Riethmayer, President Elect and Program Chairman, University of Colorado; M. Judd Harmon, Secretary-Treasurer, Utah State University. Executive Council members include Paul L. Beckett, Washington State College, 1961; Paul Kelso, University of Arizona, 1961; Don B. Leiffer, San Diego State College, 1961; Ellis E. McCune, Occidental College, 1960; Lt. Col. W. W. Posvar, U.S. Air Force Academy, 1960; Lester G. Seligman, University of Oregon, 1960; George A. Shipman, University of Washington, ex-officio, 1960.

The 1960 Annual Meeting of the Western Political Science Association will be held jointly with the Northern California Political Science Association, Peter Odegard, University of California, Berkeley, President.

The WPSA award for the best piece of research on a political science program in the Western states went to Dean Edson Mann of the University of Arizona for his doctoral dissertation at Berkeley on *The Administration of Water Resources in the State of Arizona.*

COMMUNICATIONS

Lord Samuel's Memorandum: A Comment

HARVEY WHEELER*

Professor George E. G. Catlin has placed students of the British constitution in his debt by eliciting from Lord Samuel the memorandum on "The Constitutional Crisis of 1931" published in the March, 1959, issue of the *Western Political Quarterly*. Lord Samuel's comment concerned an analysis I had made of the Cabinet crisis of 1931.[1] Anyone who wishes to reconstruct the events surrounding this crisis must rely heavily on Lord Samuel's early authoritative book, which is appropriately entitled *Grooves of Change*.[2] The mature reflections in the present memorandum immediately take their place as a significant addition to the primary sources.

The creation of the "Government of Co-operation" in 1931 was a major constitutional innovation. It was a majority government, but neither a party government nor an all-party nor a coalition government. Ramsey MacDonald always referred to it as a "Government of individuals," emphasizing the fact that party institutions had been put in abeyance. Lord Samuel points out that no one acted unconstitutionally or with sinister motives in the affair, and particularly insists that the King's action was in no way unconstitutional. I myself concluded that the Government of Co-operation, although it was an expedient without precedent, was "the most reasonable and the least dangerous constitutional procedure to follow to procure a government with a Commons majority which would support unemployment benefit cuts. More important, it was virtually the only possible government in which the King *could* have remained politically neutral." [3]

But the constitutional problem was shaped by political considerations, and these are of greater interest. On Sunday, August 23, Sir Herbert Samuel suggested to the King that MacDonald be asked to head an inter-party cabinet pledged to reduction of unemployment benefits and other economies. This entailed the abandonment of Liberal-Labour collaboration. It involved a split in the Labour party; although only 13 of 189 Labour M.P.'s actually followed MacDonald out of the party, it was a blow that the party did not recover from for fourteen years. It involved a split in the Liberal party which sent this historic party down a precipitous road to ruin. It was inevitable that there should be personal ill-feeling and recrimination; leftists felt that the system had been rigged against them.

Lord Samuel insists that there "was no question of political anti-socialist

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* Washington and Lee University.

[1] Harvey Wheeler, *The Conservative Crisis* (Washington: Public Affairs Press, 1956).

[2] Rt. Hon. Viscount Samuel, *Grooves of Change* (Indianapolis: Bobbs-Merrill, 1946).

[3] *Op. cit.*, p. 21.

intrigue by Morgans in New York and other bankers in Paris or elsewhere." Of course this is not to say that the position taken by the bankers was not decisive for those who took the political decision — MacDonald, Samuel, Baldwin, and George V. The cables between the Bank of England and the New York Federal Reserve Bank have not been published, but officials of the New York Federal Reserve Bank did excerpt quotations for me. From the London side I was able to publish some very useful correspondence with Sir Henry Clay, who could consult the files of the Bank of England for me. I remain satisfied with my conclusions:

> All stipulations made by the Morgans are not publicly known. But there is no doubt that when the British Government entered the market as a borrower they were met with demands to create an atmosphere favorable to a balanced budget. And it is certainly true that if the bankers went no further than this, all we are justified in concluding is that what to the banking circles of the early thirties were the normal terms of the money market seemed to the Labour Party in the role of customer anti-socialist dictation. Both Labour and banking defenders can presumably agree on the facts of this historical dispute, and yet both can with some legitimacy come to diametrically opposing conclusions. And both are "right" at the same time.[4]

Like any other historic decision, the Government of Co-operation foreclosed certain developments and insured others. The Lloyd George Liberals had been meeting with leaders from Labour for several months investigating the possibilities of a Lib-Lab coalition cabinet as successor to the period of Lib-Lab collaboration. At first Lloyd George had held out against these proposals, complaining of the lack of imagination in the Labour rank-and-file. However, one of his memoranda of the period states that just before the crisis he assumed that a coalition cabinet would be formed with MacDonald as Prime Minister and himself either at the Treasury or the Foreign Office.[5] He was immobilized throughout the crisis period by serious surgery. Otherwise a "welfare state" solution of Great Britain's economic problems, a British New Deal, might have been adopted. The two men who came to symbolize the economic and political theories of the welfare state, Keynes and Laski, were in 1931 close to the hand of power and were taking a direct interest in developments. But the resolution of the crisis which actually occurred caused Labour to adopt its "Keep Left" program of full-scale socialism rather than interventionism of the New Deal type. It caused Harold Laski and others to make partial ideological shifts toward an Anglicized brand of constitutional Marxism.

Toynbee has familiarized us with the "challenge-response" analysis of social events. It appears that one possible response to a political crisis is the entrenchment in power of the very forces and factors that brought about the crisis. Such a development I have called a "conservative crisis," for the reason that the crisis *produced* conservatism.

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[4] *Op. cit.*, pp. 27–28.

[5] Frank Owen, *Tempestuous Journey: Lloyd George, His Life and Times* (New York: McGraw Hill, 1955), p. 717.

> A weak left-wing Government was in power at the time of a capitalist crisis. This happened through a perfectly understandable sequence of events whereby as the economic problems worsened the left wing political parties with remedial programs gained strength, but they gained strength more slowly than the rate of crisis development. This also happened in a few other countries. So that the actual crisis found left-wing governments insecurely in power and often unable to cope with the crisis. Thus a capitalist crisis had the political effect of discrediting a government oriented toward socialism. Because of this type of lag, it is possible for a crisis in traditional institutions to discredit those most aware of the approaching crisis and to stabilize the authority of those least aware of the deeper transitional implications of the crisis. This is the pattern of a conservative crisis. It has occurred quite commonly when crisis has set in after a gradual decline in traditional institutions.[8]

A comparable crisis occurred when the nobility forced out Necker in pre-Revolutionary France. Probably the closest twentieth-century parallel has been the resort to governments of non-party experts in times of dire straits on the Continent between the two wars, and more recently in America. The effect of a conservative crisis is of course obvious: it institutionalizes the breakdown; it gives legal recognition to the social paralysis which produced the crisis. This means that the necessity of adjustment is transferred from social institutions to human beings, who under austerity programs absorb the cost of inaction. Human beings are sometimes but not always content to pay the cost. In Germany they broke through into fascism, with its bloody consequences; in Great Britain they tolerated the conservatism of Baldwin, which entailed a steady attrition of the human and capital resources of the country.

Lord Samuel characterizes this analysis as "an *ex post facto* construction of a political theorist" turning on considerations about which "none of us troubled our minds." This I take to be an accurate, if not a reassuring, statement. My purpose, however, in making the *ex post facto* construction was not to denigrate individuals or to impugn motives; it was to examine a social response which appears to be typical in certain settings. If blame is to be assigned for the outcome, the Left must bear the heavier burden. No one should reproach Conservatives for being conservative; but Socialists and Liberals have prided themselves on being able to meet and master the future.

The Social Studies in California

HARRISON R. BRYAN, JR.*

The rapid growth of Southern California, especially the metropolitan area of Los Angeles, has been well publicized. Statistics released a short time ago by the General Telephone Company stated that some fifty families a month were moving into the suburbs of Covina, West Covina, Baldwin Park, and Puente. *Life* magazine on February 3, 1958, gave data that illustrate the burgeoning growth of this general area. I teach in a high school in Covina.

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[8] *Op. cit.*, pp. 37–38.

* Covina, California.

The rapid development of this area was bound to produce problems of physical facilities and personnel. The unstable character of the population might well be expected to increase the teacher's difficulties. Conceivably persons in a new environment may combat their own insecurity by exhibiting an exaggerated attachment to community values. At any rate we seem to encounter this phenomenon in Southern California.

Educators have advanced conflicting theories concerning the depth of the subject matter and the methods appropriate to the teaching of the social studies. I have long believed that too little confidence was placed in the intellects of students in public secondary institutions. For four years I have taught American history and civics on this premise, and experience has not changed my opinion. But there are hazards; my purpose is to describe some of them.

In my courses, as in others, historical data and the mechanics of civics are provided by the teacher as well as by the textbook. Source materials for contemporary history and the usual public activities include newspapers and periodicals. In dealing with contemporary source materials, one encounters two distinct problems. The first is to provide the student with a vocabulary adequate to the demands made by the newspapers — believe it or not, this is not always easy; the second is to teach discrimination and a critical view in the interpretation of the contents. In either case, if the task is accomplished, objection is heard from both students and parents.

It is unfortunate that such terms as communism, capitalism, free enterprise, democracy, socialism, conservatism, liberalism, and reaction form part of the news. Mass communication still employs these terms; and it has been my sometimes unhappy experience to require students to understand them.

Until IBM invents a teacher, we must make allowances for idiosyncrasies which even the Hatch acts could not eliminate. These should be identified at the outset. I served my country in two wars — perhaps a little reluctantly in the second. With the gravest misgivings I signed the non-Communist affidavit required from teachers in the California public schools. I was never a Communist; I have always been affiliated with, and by indulgence of the state am still permitted to be active in, the Republican party. However, I believe that my party affiliation is no business of a Senate investigating committee.

Students are shocked to learn that the American Revolution was a violent overthrow of the government. Democracy and private enterprise provide liberty, but one must admit that they do not always distribute the social and economic burdens of government and life equally. To offset some inequities, ideas often called socialistic are proposed and are currently represented by such institutions as the California Public Utilities Commission. Totalitarian governments may provide efficient government, but not necessarily liberty. While a working democracy provides liberty, it may be slow and inefficient.

Socialism has the purpose of equalizing the burdens of life; but of necessity it must restrict the economic and sometimes the social freedom of the individual. Conservative and reactionary attitudes oppose change; liberal and radical viewpoints support change. These teachings represent my convictions; I hope they are well-founded. Editorializing, I have suggested to my classes that none of these political philosophies individually can answer all their desires for a good government or a good life. Each student must discover his own outlook and study the facts relevant to plans of government that purport to fulfill his philosophy. Such an appraisal, and in addition the assumption of an active part in his country's politics, are first-line requirements for good citizenship. In short, I have taught John Stuart Mill.

The Constitution, along with the first ten amendments, including the First and Fifth, was an attempt to provide liberty in the light of historical experience. There are people in the government who believe that the historical liberty of the past has no place in the future. Nevertheless protection of the secret ballot and the First Amendment of the Constitution are indispensable to political liberty. Free discussion of, and education in, all political belief is the only road to liberty. The great threat the United States faces today is fascism, not communism. Totalitarian socialism and totalitarian capitalism are equally repugnant. Destruction of the basic historically grounded rights of man is the first step toward any type of totalitarianism. Some of our free enterprise patriots in Washington, D.C., have furthered the cause of the U.S.S.R.; in some cases the job of international communism is done better by chauvinists than by the card-carriers. Democracy, as a working mechanical part of government, is good or bad in direct relation with the standards of education provided and utilized by the people of the democracy. If educational standards are low or overspecialized, abuse of the people's basic rights by private interest groups is possible. I have suggested to my students that the need for restrictions upon private groups and individuals is in inverse relation to the amount of democracy possible and practiced by the educated. By way of illustration of these statements I have cited cases from the Los Angeles courts and current news. H. J. Caruso, a car dealer, appears to have taken advantage of people of low education. In 1957 the General Telephone Company applied to the Public Utilities Commission for a rise in rates; the hearing was attended by one person representing the citizenry. Again, recent cases of double taxation in this area illustrate the pitfalls of a democracy. Once more, a contractor complained when confronted with some of the tactics of his colleagues. In defense, he exposed a check to a middleman designated as a veterans' housing inspector. A subcontractor building a school talked freely of his gifts to the school building inspector. A student in class described his father's "kick-back" to a fire marshal for

waiving the requirement of the installation of fire-alarm equipment. Such cases encourage some students to master the subject matter in the classroom.

A vital presentation of the subject matter guarantees that it will become material for dinner-table conversation at home. Parental reactions provided the occasion for this paper.

In 1957 I was hanged in effigy with a placard bearing the title of "Comrade Bryan" around the neck of the dummy. Parents phoned the principal and questioned my loyalty. A discussion group of students which had met for some time at my home was labeled by some parents a Communist youth movement. Members of the board of education were told that I was undermining the students' loyalty. I was called to the principal's office and informed that an editor of the Pasedena *Star News* had phoned and inquired as to whether I had been investigated. When I asked what kind of investigation, he said, "FBI, I suppose. There is talk that you are teaching Communist doctrine." Student factions broke out, some in support of me, and others in damnation. Some students reported to me the anger of their parents and the parents' refusal to discuss the matter. Many of my students told me of informal conversations between other parents in which I was labeled a Communist. To arrive at the truth, I called one of the hostile parents during a meeting of my student discussion group and broadcast the conversation to the group. The woman was the society editor of a local newspaper; her son was not even a member of my class. When I informed her that I had engaged a lawyer to protect my interest she backpedaled furiously and changed the subject of her objection to sex. Her son, whose reputation I had not hitherto heard seriously defended, was being polluted. I invited her to trace the delinquencies which she acknowledged home to me.

A young girl told me that her mother had hurried her to a Catholic priest for confession after the student discussed with her mother classroom viewpoints and data. The priest asked for a detailed account from the girl. At the end of the interview the priest accompanied my student back to the waiting mother and exonerated me. He explained that in the Church itself there were present all aspects of governmental philosophy from fascism to communal living as advocated by Christ. This, however, was the only occasion that any canvass was made of my subject matter. This left me to conclude that my students were in many cases talking over the heads of their parents, a fact which accounted for the refusal of the parents to discuss problems.

I was obliged to give up my discussion group, the "Communist Youth Movement." This was not in response to pressure. These adolescents eat like harvest hands. It seemed also a thankless task. I like to teach, but in the field of social studies everyone is an expert. It appears a little silly for me to pay for the privilege. Socrates, the first of all the experts in social science, was allowed to teach for free.

One feature stands out as a beacon. My principal, Oliver Corbin, stood by me in spite of the complaints I provoked. More than once he told me not to worry about my position, but to continue doing the job as I saw it. He absorbed all the criticism that came to him and for the most part succeeded in keeping it from me. His own background, like mine, was conservative and Republican; and he has the assurance of many successful years in the profession. But what happens to the young teacher who has an unwelcome message and an insecure principal? What of John Stuart Mill?

INSTRUCTIONS FOR AUTHORS

A manuscript submitted to the *Western Political Quarterly* for consideration should conform to the following standards:

1. Submit original copy only.
2. Double space all material.
3. Type all footnotes at the end of the article, double spaced.
4. Keep tables and charts to a minimum. They are expensive to set. We may ask for revision to eliminate those not strictly necessary.
5. Follow the style of the *Quarterly*, which is that of the Chicago *Manual of Style*.

STUDENTS, TEACHERS AND CITIZENS INTERESTED IN POLITICAL SCIENCE

You will probably find the following publications of value to you in your courses or for your own information.

Western Politics and the 1956 Elections. By Frank H. Jonas (editor) and others. Research Monograph No. 2. Institute of Government, University of Utah, 1957. Price: $1.00. Reprint from the *Western Political Quarterly*, Vol. X, No. 1 (March, 1957). Pp. 80-169.

Aspects of Nationalism. By Khosrow Mostofi. Research Monograph No. 3. Institute of Government, University of Utah, 1959. Price: $1.00.

Bibliography on Western Politics. By Frank H. Jonas (editor) and others. Supplement to the *Western Political Quarterly*, Vol. XI, No. 4 (December, 1958). Price: $1.75.

Western Politics and the 1958 Elections. By Frank H. Jonas (editor) and others. *Western Political Quarterly*, Vol. XII, No. 1 (March, 1959, Part 2). Price: $1.25.

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THE WESTERN POLITICAL QUARTERLY
254 Spencer Hall
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